

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33986 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Rajendra Baitha, S/o Late Feku Baitha,
2. Gashi Devi W/o Rajendra Baitha,
3. Birendra Baitha S/o Rajendra Baitha, All Residents of Vill.- Shekhauna,
P.S.- Ghorasahan, Distt.- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 28-06-2018 Heard Mr. Sangeet Deokuliar, learned counsel for the

petitioner, Mr. Sunil Kumar Singh, learned counsel for the

informant and learned A.P.P.

The petitioners apprehend their arrest in Ghorasahan
P.S. Case No.90 of 2018 registered under Sections 457 and 380/34
of the Indian Penal Code.

The informant named the petitioners and others and
alleged that they broke out the house of the petitioner and took
away different articles including ornaments.

The learned counsel for the petitioners submits that
petitioner No.1 is own brother(devar) of the informant and
petitioner Nos.2 and 3 are wife and son of petitioner No.1.
Ramchandra Baitha, the brother of the petitioner and husband of



the informant died due to illness. He was suffering from tuberculosis. The informant deserted her in-laws house and settled in her parents' house. The informant lodged the case only to get partition of the property.

Mr. Sunil Kumar Singh, however, vehemently opposed the prayer for anticipatory bail and submitted that only after institution of the case, the informant got her house and she is residing there.

Considering the facts aforesaid and the nature of allegation made against the petitioners and the fact that the petitioners happen to be own brother(devar), sister-in-law(gotni) and son of brother-in-law, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Sikarahana at Dhaka, East Champaran, Motihari in connection with Ghorasahan P.S. Case No.90 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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