

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3247 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -SAHIYARA District- SITAMARHI

=====

1. Rakesh Baitha, son of Khakhanu Baitha
2. Vinay Baitha, son of Khakhanu Baitha
3. Akshaya Baitha, son of Khakhanu Baitha
4. Sushila Devi, wife of Khakhanu Baitha

All resident of Village- Sahiyara, P.S.- Sahiyara, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey
For the Opposite Party/s : Mr. Sri Uday Pratap Singh

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Sahiyara P.S. Case No.116 of 2017 registered under Sections 304B, 120B and 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the FIR itself the marriage had taken place seven years ago and the subsequent application filed in the court of learned Additional Chief Judicial Magistrate, Sitamarhi by the informant, as contained in Annexure-2, would show that he has himself stated later on that the petitioners were made accused in the case on



mistaken facts on the information supplied by the co-villagers. It has further been stated that the daughter of the informant died due to illness and because he was not a literate person, he could not understand the genuineness of the allegations. Learned counsel submits that so far the present petitioners are concerned, the petitioner nos.1 and 2 are the Bhaisur (elder brother of the husband), petitioner no.3 is the Devar (younger brother of the husband) and petitioner no.4 is the mother-in-law who all are living separately in mess and business. Learned counsel also submits that the deceased had two sons from the wedlock and so far as these petitioners are concerned, they have been falsely implicated.

Learned counsel for the State is present.

Considering the facts and circumstances particularly that the marriage had taken place seven years ago and these petitioners are said to be the elder brothers, younger brother and mother-in-law respectively, in the event of their arrest/surrender before the court below within four weeks, let the above named petitioners be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sahiyara P.S. Case



No.116 of 2017, subject to condition laid down under Section 438
(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

Arvind/-

U		T	
---	--	---	--

