

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19958 of 2019

Arising Out of PS. Case No.-2207 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Harikishore Baitha Son of Ram Brich Baitha Resident of Village- Bansh Ghat Konhiya, P.S.- Chakia, District- East Champaran.
 2. Harendra Baitha Son of Ram Brich Baitha Resident of Village- Bansh Ghat Konhiya, P.S.- Chakia, District- East Champaran.
 3. Ranjan Baitha Son of Harendra Baitha Resident of Village- Bansh Ghat Konhiya, P.S.- Chakia, District- East Champaran.

... .. Petitioners

Versus

1. The State of Bihar
2. Sunita Devi Wife of Tuntun Mahto Resident of Village- Bansh Ghat Konhiya, P.S.- Chakiya, District- East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 304/34 of the Indian Penal Code.

The prosecution case, in brief, is that minor son of the complainant/informant was murdered by the accused persons.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. Prior to filing of the present protest-cum-complaint



petition, a complaint case was filed by the complainant on 29-07-2015 in respect of an occurrence, which had taken place on 13-06-2015. The said complaint was sent to the concerned police station under Section 156(3) Cr. P.C. and accordingly, FIR was instituted. The delay in filing the complaint was not explained by the prosecution. After investigation, the police submitted final form against the accused persons. The present case has proceeded on the basis of protest-cum-complaint petition. The court below after enquiry under Section 202 Cr.P.C. found the case to be true under Section 304 of the Indian Penal Code & other allied sections.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-13, Motihari, East Champaran in connection with Trial No. 2322 of 2016 arising out of Complaint Case No. 2207 of 2016, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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