

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71254 of 2018

Arising Out of PS. Case No.-76 Year-2018 Thana- DEO District- Aurangabad

Mithilesh Baitha S/o Late Babu Bhaitha, Resident of Village- Ketaki, P.S.-
Dero, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Saket Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Sri Nand Kishore Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 14-02-2019 Heard the learned counsel for the petitioner and
counsel appearing on behalf of the State.

The petitioner being the husband is in custody since
25.09.2018 in connection with Deo P.S. Case No.76 of 2018,
registered under Sections 304(B), 201 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner
submits that though allegation has been levelled against the
petitioner that he was responsible for the death of the daughter of
the informant and that his daughter has been married to the
petitioner on 26.05.2017. It is further submitted that when the
daughter of the informant met with an accident while cooking
the food, the petitioner had tried to save her and as a result
thereof, he had himself suffered 40 per cent burn injuries which
necessitated his being admitted in the hospital for about two



months.

Learned counsel for the petitioner further submits that there is no allegation of any demand of dowry in the FIR nor of any act of mental torture having been inflicted on her and, therefore, the provisions of Section 304(B) would not be attracted. Learned counsel further submits that even in the case diary certain independent witnesses have submitted that the petitioner had tried to save the victim lady and the victim lady had caught hold of him at the time, she had caught fire. It is submitted that none of these witnesses have stated that the petitioner was trying to escape from the victim lady. He thus submits that in view of such facts, the petitioner may be extended privilege of bail.

Diary in connection with the present case had been called for which has since been received.

Learned counsel for appearing on behalf of the State after perusal of the case diary submits that the petitioner had in fact suffered burn injuries and only because the death occurred in suspicious circumstances and because the petitioner had proceeded to cremate her without waiting for the informant that the petitioner has been implicated in this case. Learned counsel for the State further submits that as per the diary, it is evident



that the petitioner surrendered in the Court on 25.09.2018 and has since been in custody

Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the State and in view of the present facts and circumstances which are peculiar and that there being no express demand of dowry, let the petitioner, Mithilesh Baitha, be directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad, in connection with Deo P.S. Case No.76 of 2018, subject to following condition :-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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