

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13539 of 2020

Arising Out of PS. Case No.-162 Year-2019 Thana- KUTUMBA District- Aurangabad

1. BHARAT BAITHA @ BHARAT KUMAR RAJAK S/o Ramchandra Baitha Resident of Village- Mudila, P.S.- Kutumba, Distt- Aurangabad.
2. Mantu Baitha @ Mantu Kumar Rajak S/o Ramchandra Baitha Resident of Village- Mudila, P.S.- Kutumba, Distt- Aurangabad.
3. Sharda Devi W/o Ramchandra Baitha Resident of Village- Mudila, P.S.- Kutumba, Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-10-2020 At the outset, it is submitted by learned counsel for the petitioners that during pendency of the bail petition, Petitioner No.2 (Mantu Baitha) has already been arrested in this case. As such, he seeks permission to withdraw the bail petition in respect of this petitioner.

Bail petition is dismissed as withdrawn in respect of Petitioner No.2 (Mantu Baitha).

Heard learned counsel for the petitioners and the State through Video Conferencing.

Petitioners apprehend arrest in a case registered for the offence punishable under Sections 302, 201 and 34 of the



Indian Penal Code.

The prosecution case in brief is that the informant, who is the father of the deceased, lodged F.I.R. alleging therein that his daughter was killed by her husband and in-laws and they disposed of the dead body of the deceased without giving information to her parental house. He further alleged that Pintu Baitha, husband of the deceased, has illicit relationship with another girl, as such, he killed the deceased. One child was born out of the wedlock.

It is submitted on behalf of the petitioners that on perusal of the F.I.R., it has come to the light that there was quarrel between the husband and his wife (deceased) which is a natural behaviour in the conjugal life. Petitioner No.1 is the younger brother-in-law (Dewar) of the deceased and he is working at Surat in Gujarat and Petitioner No.3 is an old lady. Hence, they had no concern with the internal matter of the husband of the deceased. According to F.I.R., there is no specific allegation against the petitioners for assaulting or torturing the deceased. Petitioners have falsely been implicated in this case at the instance of suspicion on the husband and in-laws of the deceased. In paragraph 3 of the bail petition, it is stated by learned counsel for the petitioners that petitioners have



got clean antecedent.

In the facts and circumstances of the case, prayer for bail of Petitioner No.1 (Bharat Baitha) and Petitioner No.3 (Sharda Devi) is allowed. In the even of arrest/surrender, let both the petitioners mentioned above be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad, in Kutumba Police Station Case No. 162 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Ankit/-

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

