

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74822 of 2019**

Arising Out of PS. Case No.-19 Year-2019 Thana- KOTWA District- East Champaran

Nageshwar Baitha, aged about 41 years (Male) Son of Ashik Baitha Resident of Village-Karariya, P.S-Kotwa, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Verma with Mr. Binod Kumar Mishra, Advocates
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 03-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Uma Shankar Verma, learned counsel along with Mr. Binod Kumar Mishra, learned counsel for the petitioner and Mr. Satya Nand Shukla, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Kotwa PS Case No. 19 of 2019 dated 24.01.2019 instituted under Sections 304B/34 of the Indian Penal Code.

4. The allegation against the petitioner, who is the father-in-law of the deceased, along with other family members is of strangulating the daughter of the informant.

5. Learned counsel for the petitioner submitted that he



was living separately from his son and the deceased. It was further submitted that there was no occasion for the petitioner to commit such a crime and he, being the father-in-law, is not involved in any such activity. It was submitted that the couple were not having good relationship due to which the deceased committed suicide by hanging by rope. Learned counsel submitted that later the informant has also filed a compromise in which she has herself stated that the petitioner was not living with the deceased and her husband and that he is innocent. It was submitted that the petitioner has no other criminal antecedent and is in custody since 01.04.2019.

6. Learned APP, from the case diary, submitted that the petitioner is the father-in-law and, thus, cannot be said to be innocent when death took place within nine months of marriage. However, he did not controvert with regard to there being compromise and also the son of the petitioner, that is, the husband of the deceased, stating during the investigation that the petitioner was not living with him and the deceased.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of the learned ACJM X, Motihari in Kotwa PS Case No. 19 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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