

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82985 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- MOTIHARI MUFASIL District- East Champaran

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1. GANESH BAITHA Son of Narsingh Baitha Resident of Madhubani Ghat, Mathiya, P.S.- Muffasil, Distt - East Champaran, Bihar.
 2. Mahesh Baitha Son of Narsingh Baitha Resident of Madhubani Ghat, Mathiya, P.S.- Muffasil, Distt - East Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 25-06-2020

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mufassil P.S. Case No. 149 of 2019 (East Champaran), disclosing the offence under Sections 328, 302 and 34 of the Indian Penal Code.

The victim, as per the case of the prosecution, died of poisoning. It is disclosed in the F.I.R. itself that the informant's daughter, who was married to one Nandlal Baitha, nearly 14-15 years ago, had herself consumed poison. It is also evident that the victim was taken to hospital for treatment. These petitioners have been named in the F.I.R. with the allegation that they used to make sarcastic remarks against the deceased, since she had lodged earlier a criminal case against



others for offence punishable under Section 376 of the Indian Penal Code.

On the basis of what has been alleged in the F.I.R., it is difficult to say that a case under Section 302 of the Indian Penal Code is made out against these petitioners. This application is accordingly allowed.

Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned C.J.M., East Champaran in connection with Mufassil P.S. Case No. 149 of 2019 (East Champaran), subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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