

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31444 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- PIPRAKOTHI District- East Champaran

PUNYADEO BAITHA S/o Late Baidhnath Baitha R/o Village-Dhekaha
Kasba, P.S.-Pipra Kothi, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate
For the State	:	Mr. Rajesh Kumar, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-01-2021 Heard both sides.

The petitioner seeks bail in Piprakothi P.S. Case No.22 of 2020 registered under Sections 302 and 34 of the Indian Penal Code.

The informant, wife of the deceased, alleged that on 16.01.2020, when her husband returned from the market, Punyadeo Baitha(the petitioner), Chhatu Baitha, Chotan Baitha, Suga Devi, Jagnarayan Baitha, Sushila Kumari and Surati Kumari all assaulted her husband with pieces of bricks and iron rod and her husband died.

The learned counsel for the petitioner submits that seven persons are named in the F.I.R. but no specific allegation of assault is made against the petitioner. It is further submitted



that during the course of investigation, Rudal Baitha in para 7 of the case diary and other witnesses who are the close relatives of the deceased alleged that some altercation took place between the family members of the accused and the deceased for theft of mobile and on such, Chhatu Baitha, the son of the petitioner assaulted Guddu Baitha, the husband of the informant with bricks on his head and Guddu Baitha became unconscious and fell down. Similar is the statement of all the witnesses namely, Bhadai Baitha, Bhikhari Baitha, Motilal Baitha and others who stated that it was Chhatu Baitha who assaulted the deceased with pieces of bricks on his head and on account of head injury, Guddu Baitha died. No allegation of assault is made against the petitioner. The petitioner is in jail since 18.02.2020.

Learned A.P.P. as well as learned counsel for the informant opposed the prayer for bail.

Perused the F.I.R. and the case diary. The wife of the deceased named seven persons and made omnibus and general allegation of assault with bricks and iron rod against all the seven accused persons but from perusal of the statement of witnesses such as Rudal Baitha, Bhadai Baitha, Bhikhari Baitha, Motilal Baitha, Nandu Choudhary, Rajdeo Prasad, it appears that there was quarreling between Guddu Baitha and his family



members on the one hand and the family members of Punyadeo Baitha on the other hand. Guddu Baitha was assaulting the female members of the family of the petitioner on such, Punyadeo Baitha(the petitioner) and Chhatu Baitha came there. Chhatu Baitha is alleged to have assaulted with bricks on his head. From perusal of the postmortem report, it appears that deceased got as many as five injuries. Four injuries are abrasion on arms and foot and one injury is swelling of left side of temporal bone and occipital region and on account of injury found on the head, the deceased died. The author of the injury found on the head is Chhatu Baitha(the son of the petitioner).

Taking into consideration the facts aforesaid and the fact that no specific allegation of assault is made against the petitioner and the petitioner is in jail since 18.02.2020, let the petitioner, above named, 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., East Champaran, Motihari in connection with Piprakothi P.S. Case No.22 of 2020.

(Prabhat Kumar Jha, J)

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