

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19732 of 2022

Arising Out of PS. Case No.-428 Year-2021 Thana- CHANPATIA District- West Champaran

1. Laxman Baitha, Son of Sri Chokat Baitha
2. Banarasi Baitha, Son of Late Kolai Baitha
Both Resident of village - Khora Koiri Tola, Ward No.- 02, P.S.- Chanpatia,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-08-2022 No one appear for the petitioners. On previous day also learned counsel for the petitioners was absent. Learned APP represents the State.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The case relates to Chanpatia P.S. Case No.428 of 2021 instituted under Sections 302, 201/34 of the Indian Penal Code.

The allegation in the FIR is that the ‘*Chowkidar*’ informed that the dead body of an unknown lady has been discovered near the pond. The ‘*Chowkidar*’ tried to identified the body but fail to do so and accordingly the FIR was lodged.

Subsequently, during the investigation it was found



that the dead body belong to the family of Bharat Baitha, he being the father of the deceased lady and it was further revealed during investigation that there had been some dispute and as the father tried to prohibit her from screaming pressed her mouth in such a way that she ultimately died. Thereafter out of fear, they tried to dispose of the body in which the family and the neighbours were involved.

As per the averment made in the bail application the petitioners are relatives and had no role in the death of lady. They can at best be alleged to have been part of the removal/disappearance of the body for which Section 201 of the IPC can be attributed.

Further according to bail application, they are in jail since 11.01.2022 (as stated in para-13 of the bail application).

Considering the fact that the main allegation is against father Bharat Baitha and charge-sheet stands submitted and they are in custody since 11.02.2022 (as stated in para-13 of the bail application), this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with



Chanpatia P.S. Case No.428 of 2021 to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next six months to mark their presence;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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