

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18633 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- MANJHAGARH District- Gopalganj

SURESH BAITHA S/o Late Bhadai Baitha R/o village- Mishrwaliya, P.S.-
Majhagardh, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-03-2022 Heard Mr. Ajay Mishra, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with
Manjhagarh PS Case No. 56/2019 (S. Tr. No.
481/2019) registered for the offences punishable under Sections
302, 201, 34 of the IPC.

The allegation in a nutshell is that the daughter of the
informant was married to the son of the petitioner, namely,
Butan Baitha about 13 years ago and out of the wedlock,
daughter of the informant gave birth to three children. It has also
been alleged that the husband of the deceased used to reside in
Maharashtra in order to earn his livelihood and in his absence,
the deceased was being tortured by her father-in-law i.e., the



petitioner and mother-in-law, the co-accused. On 26.02.2019, the informant got an information on his mobile that his daughter and grand daughter aged about one year have died due to burn injuries and upon inquiry, he came to know that his daughter along with grand daughter have been set ablaze by the petitioner and co-accused i.e., mother-in-law of the deceased.

Learned counsel for the petitioner submits that the fact of the matter is that marriage of the deceased was solemnized with his son about 13 years ago and the deceased while cooking the meal got burn injury along with the daughter in her lap due to which they died subsequently. He further submits that the funeral of the deceased was performed on 24.02.2019 in which the informant and other family members also participated, however, at the behest of co-villagers and others the informant has lodged the present case two days after the death of the deceased on 26.02.2019. Learned counsel next submits that the petitioner is aged about 65 years and the co-accused mother-in-law, namely, Shanti Devi has been granted bail by a Co-ordinate Bench of this Court *vide* Cr. Misc. No. 87213/2019 (Annexure-2). Petitioner having no criminal antecedent is in custody for about three years, i.e., since 05.03.2019.



On the other hand, learned counsel for the State, referring to the case diary, submits that the son of the petitioner has stated in his statement recorded under Section 161(3) of the CrPC that the petitioner and his mother used to torture the victim lady and he came to know from the villagers that the petitioner and co-accused have killed his wife and daughter.

In reply, learned counsel for the petitioner submits that the son of the petitioner whose statement has been recorded as witness is not an eyewitness and whatever he has stated, he has stated on the basis of hearsay evidence and in order to save himself from becoming the accused in the present FIR.

Regards being had to the submissions made by the parties and taking into consideration the period of custody for about three years i.e., since 05.03.2019 and the fact that co-accused, namely, Shanti Devi has been granted bail by a Co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner subject to the condition that the petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

Accordingly, let the petitioner, SURESH BAITHA be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ- 1st, Gopalganj in connection with Manjhagarh PS Case No. 56/2019 (S. Tr. No. 481/2019).

(Anil Kumar Sinha, J)

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