

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32589 of 2021**

Arising Out of PS. Case No.-561 Year-2019 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. BHOLA BAITHA @ RAVINDRA KUMAR S/O RAM SHANKAR BAITHA, R/O VILLAGE-BERAI, P.S.-SARAI, DISTRICT-VAISHALI.
 2. PAPPU BAITHA @ PAPPU KUMAR S/O RAM SHANKAR BAITHA, R/O VILLAGE-BERAI, P.S.-SARAI, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PRADEEP KUMAR S/O LATE BALLAM SINGH, R/O VILLAGE-BAJITPUR, P.S-HAJIPUR SADAR, DISTRICT-VAISHALI.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 33719 of 2021

Arising Out of PS. Case No.-561 Year-2019 Thana- VAISALI COMPLAINT CASE District-
Vaishali

DHARMENDRA BAITHA @ DHARMENDRA KUMAR SON OF RAM SHANKAR BAITHA, R/O VILLAGE- BERAI, P.S.- SARAI, DIST.- VAISHALI

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRADIP KUMAR SON OF LATE BALLAM SINGH, R/O VILLAGE-BAJITPUR, P.S.- HAJIPUR SADAR, DIST.- VAISHALI

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32589 of 2021)

For the Petitioner/s : Mr.Rajeev Ranjan Sinha

For the Opposite Party/s : Mr.Ramchandra Sahni

Mr. Shyameshwar Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 33719 of 2021)

For the Petitioner/s : Mr.Rajeev Ranjan Sinha

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

7 06-07-2022 The learned counsel for the petitioners is directed to



remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned counsel for the informant and the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 561/2019 registered for offence punishable under sections 302/34 of the Indian Penal Code.

As per allegation, the grandson of the informant, namely, Ankit Kumar aged about 2 ½ years was playing on his darbaja. Meanwhile, his co-villager Manoj Singh and Vikash Singh came there and took away the grandson of informant. After some time, the informant heard crying of his grandson. He went there and saw that Manoj Singh and Vikash Singh along with petitioners and other accused persons were fleeing away. They eliminated the grandson of the informant. The informant saw the dead body of his grandson, his throat was cut and also stomach was incised.

The learned counsel for the petitioners has submitted that during the course of investigation, no material emerged against the petitioners, as such, the investigating authorities submitted final form against the petitioners, but some accused



persons were charge-sheeted and still they are facing trial. He has submitted further that final form was accepted by the learned Chief Judicial Magistrate, but the matter proceeded on the basis of protest petition filed on behalf of the complainant.

The learned counsel for the informant has submitted that the charge-sheet has been submitted against three accused persons and three trials are going on in two sessions trial. Charges have been framed, but not a single witness has been examined up-till now and trial of Vikash Kumar is going on in Juvenile Justice Board, as he was found juvenile. He has submitted further that some witnesses have been examined and they have named the present petitioners.

In this case, final form was submitted against the petitioners, that was accepted by the learned court below and cognizance was taken on the basis of protest. If further material emerges during the course of trial, the learned court below, as per provisions of Section 319 of the Code of Criminal Procedure, may summon the petitioners to face the trial.

Presently the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to



the satisfaction of learned Additional Chief Judicial Magistrate-
XV, Vaishali at Hajipur in connection with Complaint Case
No.561/2019, subject to condition as laid down under section
438(2) Cr. P.C.

Office shall ensure that all defects are removed by the
petitioners within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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