

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29695 of 2022

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

Malti Devi Wife Of Amerika Baitha R/O- Village- Khora Koeri Tola, Ward
No. 2, P.S.- Chanpatia, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-08-2022 No one appears for the petitioner. On previous day
also learned counsel for the petitioner 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



that there had been some dispute and as the father tried to prohibit her from screaming to 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 petitioner is the mother of the victim girl and during investigation, there has been allegation of her father pressing the mouth leading to the death. She can be part of crime where body was removed for which Section 201 of the IPC can be attributed.

As per the bail application, for the alleged act of her, she is in jail since 09.03.2022 (as stated in para-13 of the bail application).

Taking into account the aforesaid fact that the petitioner is the mother of the deceased lady, charge-sheet stands submitted and she is custody since 09.03.2022 (as stated in para-13 of the bail application), this Court is inclined to grant her privilege of bail.

Let the petitioner 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 petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail by the Trial court itself;

(iii) the petitioner 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 his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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