

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32246 of 2022

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

BHARAT BAITHA, Son of Sri Chokta Baitha Resident of Village - Khora ,
Ward no.02, P.s.- Chanpatia, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, 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 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 also involved.

The petitioner is the uncle of the victim girl and as per the averment made in the bail application, he had no role to play in the killing of the said girl and at best the role of disappearance of body can be attributed to him.

As per the bail application, he is in jail since 09.03.2022 (as stated in para-13 of the bail application).

Taking into account the aforesaid fact that the charge-sheet stands submitted and he is custody since 09.03.2022 (as stated in para-13 of the bail application), this Court is inclined to grant him 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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