

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28599 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- JADIA District- Supaul

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1. RUPESH KUMAR BAITHA SON OF SATYANARAYAN BAITHA
RESIDENT OF VILLAGE- NANDANPUR, WARD NO. 4, PS- BAUSI,
DISTT- ARARIA
 2. SANTOSH KUMAR SON OF LATE LUKESHWAR RAJAK RESIDENT
OF VILLAGE- BHARGAMA, WARD NO. 01 PS- NARPATGUNJ, DISTT-
ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 16-10-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Jadiya P.S. Case no.17 of 2023 registered under sections 302 and 201 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that information was received to the effect that a partial burnt dead body of a lady was recovered. People had gathered around the dead body but the same could not be identified and as such, the F.I.R. was registered against unknown.

4. Learned counsel for the petitioners submits that in



course of investigation, it transpired that the dead body was of the daughter of petitioner no.2 and sister-in-law (wife's sister) of petitioner no.1. It also transpired that it was on account of some love affair between the deceased and one another person that she committed suicide. The allegations against the petitioners is that they were trying to cremate the body and thus destroy the evidence. The petitioners are in custody since 31.1.2023 and trial in the learned trial Court has already commenced. They undertake to cooperate in the trial.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R., the material that has transpired in course of investigation, the contents of the post-mortem report as also the report of the Forensic Science Laboratory, Bhagalpur according to which no metallic/alkaloidal/glycosidal or volatile poison could be detected in the contents and the petitioner being in custody since 31.1.2023, the Court directs both the petitioners to be enlarged on bail in connection with Jadiya P.S. Case no.17 of 2023 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Supaul.



7. It is directed that both the petitioners shall be physically present in course of trial in the learned trial Court on each date and in case of their absence on any date for reasons not to the satisfaction of the learned trial Court, the learned trial Court may cancel the bail bond of the concerned petitioner/petitioners and take him/them into custody till conclusion of the trial.

(Partha Sarthy, J)

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