

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7308 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- BALTHAR District- West Champaran

Manoj Baitha S/O Babulal Baitha R/O Village- Chhotka Dhunkutwa, Ward
No. 09, P.S- Balthar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 28954 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- BALTHAR District- West Champaran

Vinod Baitha S/o Sri Babulal Baitha R/o vill - Chhotaka Dhankutwa, P.S. -
Balthar, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 7308 of 2024)
For the Petitioner/s : Mr.Sarvesh Kashyap
For the Opposite Party/s : Mr.Ram Sumiran Rai
(In CRIMINAL MISCELLANEOUS No. 28954 of 2024)
For the Petitioner/s : Mr.Sharad Kumar Verma
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-07-2024 Since both cases arise out of same police station case

number, both cases are taken up together and are being disposed

of by this common order.

2. Heard learned counsel for the petitioners and
learned A.P.P. for the State in both the cases.

3. The petitioners seek bail in a case registered for the



offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

4. As per prosecution case, on 27.07.2023, the son of informant namely Karan Kumar went to attend the call of nature, but did not return and on search, on the next date at about 7:30 AM, the dead-body of son of informant was found hanging on a Seisum tree. It is further alleged that informant's son was in love with Munni Kumari (daughter of co-accused Pramod Baitha) and thus, informant suspects that due to love affairs, all the FIR named accused persons including these petitioners killed the son of the informant.

5. Learned counsels for the petitioners submit that informant is not eye-witness to the occurrence and only suspicion has been raised on the ground that there was love-affairs between daughter of co-accused Pramod Baitha and the son of informant and due to this reason, all the family members of girl side have been made accused in this case. Petitioners are full brothers of co-accused Pramod Baitha and uncle of Munni Kumari, with whom, it is alleged that informant's son was in love. During the course of investigation, no one has claimed to have seen the occurrence nor any material has come against these petitioners to show their complicity in the occurrence. The



dead body was found hanging with a tree and death was caused due to hanging. Co-accused Pramod Baith and Bhagar Baitha have already been granted anticipatory bail by this Court, vide order dated 19.06.2024 passed in Cr.Misc. No. 30273 of 2024. Petitioners claim clean antecedent and are in custody since 29.07.2023 and 20.10.2023 respectively.

6. Having considered the facts and circumstances of the case, both the bail petitions are allowed. Let the petitioners namely Manoj Baitha and Vinod Baitha be released on bail on furnishing bail bonds of Rs. 10,000 (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran / Judicial Magistrate-I, Bettiah, West Champaran/ Concerned Court in connection with Balthar P.S. Case No. 68 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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