

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26239 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- PARSAUNI District- Sitamarhi

Bhuntun Baitha @ Bhontun Baitha Son of Mahindra Baitha Village Parsauni
Mailwar, Ward No. 9, PS Parsauni Distt Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2024 Heard Mr. Ritesh Kumar Narain Singh, learned
counsel for the petitioner and Mr. Nirmal Kumar Sinha, learned
APP for the State.

2. The petitioner is apprehending his arrest
connection with Sitamarhi P.S. Case No. 01 of 2024 (G.R. No.
02 of 2024), F.I.R. dated 02.01.2024 registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal
Code.

3. Allegation against the petitioner is of helping in
cremation of minor daughter of accused Niranjan Baitha,
namely Pushpa Kumari along with other co-accused persons
after her murder by her parents.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no accusation of any assault or overt act against the petitioner rather there is specific allegation of killing Pushpa Kumari is against her parents namely Niranjana Biatha and Hiramani Devi and there is no specific allegation against the petitioner and as per allegation, it has been alleged that the petitioner has participated in cremation of deceased. He further submits that in fact the present F.I.R. was instituted by the local choudhary and he is not an eye witness of the alleged occurrence and only on the basis of hearsay he has lodged the present F.I.R. and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and as per case diary he has participated in the cremation of the deceased along with other co-accused persons.

6. Considering the facts and circumstances of the



case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 01 of 2024 (G.R. No. 02 of 2024), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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