

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29491 of 2024

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

ISHWAR BAITHA @ ESHWAR BAITHA S/O BUDHU BAITHA R/O
VILLAGE-PARSAUNI MAILWAR, P.S- PARSAUNI, DISTT.-
SITAMARHI-843325.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Parsauni P.S. Case no.1 of 2024, registered under sections 302, 201 and 34 of Indian Penal Code.

3. As per the prosecution case, the informant states that he heard the co-villagers talking among themselves that on refusal by the daughter to solemnize marriage, the accused Niranjana Baitha and Hiramani Devi who are the parents, killed her. It is further stated that from the villagers it transpired that the three named accused persons including the petitioner herein as also 5-6 unknown persons were involved in the disposal of the dead body by cremation at the local *shamshan ghat*.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The allegations as levelled against the petitioner are false and concocted. The FIR does not even disclose the source of information of the informant- *chaukidar*. Accepting the allegations for the sake of argument, at best the case under section 201 of the Indian Penal Code would be made out against this petitioner which is bailable. There is no allegation against of this petitioner of having been involved with the parents in killing of the deceased. The petitioner has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that charge-sheet has been submitted in the case.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R., the submissions made by learned counsel for the petitioner, grant of regular bail to Niranjana Baitha and Hiramani Devi ie the parents of the deceased vide order dated 2.4.2024 passed in Cr. Misc. no. 20294 of 2024 and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Parsauni P.S.



Case no.1 of 2024 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Judicial Magistrate 1st
Class-cum-Additional Munsif, Sitamarhi.

(Partha Sarthy, J)

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