

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53099 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- SIWAIPATTI District- Muzaffarpur

1. Sudama Devi W/O Nandlal Baitha R/O Mahabir Asthan, P.S- Sasaram Nagar, Distt.- Rohtas
2. Narsingh Baitha @ Narshingh Rajak S/O Nand Lal Baitha R/O Village- Sodhana Madhopur, P.S- Siwaipatti, Distt.- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi wife of Chanchal Baitha Resident of Village Sodhana, Madhopur, P.S. Siwaipatti, Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 08-01-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Siwaipatti P.S. Case No. 45 of 2024 instituted for the offences under Sections 363, 365 of the Indian Penal Code.

3. Allegation against the petitioners is of commission of murder of the informant's minor daughter.

4. Learned counsel for the petitioners submitted that petitioners are innocent and have committed no offence and have falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this



case on the basis of self-confessional statement of the petitioners before the police which has no evidentiary value in the eye of law. Learned counsel further referring to paragraph nos. 5 and 6 of the case diary contended that in the present case, the dead body of the victim was already recovered by the police before the recording of the confessional statement of the petitioner no. 2 but the police have acted mala fidely and in order to implicate the petitioners, the recovery of the dead body is shown after the recording of the confessional statement of the petitioner no. 2. Learned counsel further submitted that there is no eye-witness to the occurrence. It has been submitted on behalf of the petitioners that the petitioners are in custody since 19.03.2024. Petitioner no. 1 has no criminal antecedent whereas petitioner no. 2 has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned counsel further submitted that as per paragraph no. 19 of the case diary, petitioner no. 2 has confessed that petitioner no. 1, who is the mother of the petitioner no. 2, committed the murder of the deceased and petitioner no. 2 thrown the dead body of the deceased in maize fields. Learned counsel further submitted that police, after investigation submitted charge-sheet under



Sections 363, 365, 376, 302, 201, 120B, 34 of the I.P.C. and Sections 4, 6 of the POCSO Act. Learned APP further submitted that as per post-mortem report, deceased died as a result of asphyxia due to throttling. Learned APP, therefore, contended that involvement of the petitioners cannot be denied in the commission of the alleged offence and, therefore, the petitioners may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, material available in the case diary as also the nature and gravity of offence, this Court, at this juncture, is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for grant of bail to the petitioners is rejected.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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