

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77798 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- PATAHI District- East Champaran

1. DHUKHAN BAITHA Son of Late Laldhar Baitha
 2. Laddu Baitha Son of Dukhan Baitha
 3. Bittu Baitha Son of Dukhan Baitha
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhannjay Kumar No 2
For the State	:	Ms.Nirmala Kumari
for the informant	:	Ms. Akansha Rai
		Mr. Deepak Kumar
		Mr. Sarvesh Kashyap

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 18-12-2025 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor representing the State.
2. This application, for grant of anticipatory bail, arises out of Patahi Police Station Case No. 163 of 2023, dated 01.06.2023, disclosing offences punishable under Sections 302/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 01.06.2023, at about 6 AM, while the husband of the informant was feeding the buffaloes, the petitioners along with others came there and assaulted her husband, due to which the husband of the informant died.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to village politics. The petitioners are the next door neighbours of the informant. He further submits that the deceased died a natural death inasmuch as there is no mentioning of any internal or external injury on the body of the deceased. The Police has not mentioned any sign of injury on the body of the deceased while preparing the inquest report. The doctor, who conducted post mortem examination, also did not find any external or internal injury and mentioned in the report that the cause of death is not clear. In the F.S.L. report, the doctor has opined that no metallic, alkaloidal, glycosidal, pesticidal or volatile poison could be detected.
5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that there is direct allegation of assault upon the petitioners and the informant is an eye-witness to the alleged occurrence.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that neither the police found any mark of injury on the body of



the deceased while preparing inquest report nor the doctor found, in the post mortem examination, any cause of death as well as the doctor, while conducting viscera examination also did not find anything, which could go to show that any assault was made to the deceased, and the petitioners are the next door neighbours of the informant, I am inclined to grant the petitioners privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Patahi Police Station Case No. 163 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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