

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46722 of 2016

Arising Out of PS.Case No. -659 Year- 2015 Thana -ARARIA District- ARRARIA

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1. Chandan Paswan @ Chandan Kumar Paswan son of Kailash Paswan
resident of Village- Baidhnathpur, Ward No.4, Police Station- Araria R.S.
District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sri B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 02-12-2016 Heard both sides.

The petitioner apprehends his arrest in Araria P.S.
Case No. 659/2015, registered for the offences punishable under
Sections 363, 346, 369 of the Indian Penal Code. Later on Section
370 of the Indian Penal Code was added.

The informant alleged that she brought his grand
daughter for delivery in Sadar Hospital, Araria. The child was
born and the child was put on oxygen. Sahnawaz @ Bholu, the
compounder of the hospital asked the informant and others that he
was keeping watch on the boy. They should go outside. The
informant did not find the child.

Learned counsel for the petitioner submits that during



course of the investigation, Sahnawaz @ Bholu was apprehended with the child who confessed his guilt and disclosed that the petitioner Chandan Paswan and Ashok Ray asked him to steal the child. It is further submitted that Ashok Ray is issueless. The police after investigation submitted final form finding the case false against the petitioner, but the learned Chief Judicial Magistrate, took cognizance against the petitioner.

Considering the facts aforesaid and the fact that the petitioner is not named in the FIR and the name of the petitioner figured in the confessional statement of Sahnawaz @ Bholu, who admitted to steal the child and the police did not find the case true against the petitioner, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 659/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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