

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4593 of 2017

Arising Out of PS.Case No. -665 Year- 2016 Thana -KATIHAR District- KATIHAR

Putul Devi, W/o Binda Parihar, Resident of Village- Chitiria Kamat Tola,
P.S.- Mansahi, District- Katihar. Petitioner

Versus

The State of Bihar. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 24-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner seeks bail in connection with Katihar P.S. Case No.
665 of 2016 registered for the offences punishable under Sections 363,
366, 120B/34 of the Indian Penal Code.

Allegedly, the new born son of elder brother of the informant
was kidnapped from the hospital and on search at the identification of
security guard, Amit Kumar Sah and Baby Devi were identified as
kidnapper. Baby Devi confessed her guilt disclosing the name of
Mandeep Kumar Rai alleging that it was Mandeep Kumar Rai who
requested her to bring a child for selling and for that she kept the child
in the house of her sister, the petitioner, from where the new born child
was recovered.

Submission is of false implication and that nothing has been
recovered from possession of the petitioner, it was Baby Devi who
brought the new born child and kept there by saying that she will come



very soon and will take away the child, the petitioner being sister believed her version and did not oppose in keeping the child. The petitioner without any fault is in custody since 14.10.2016 and as such the petitioner deserves sympathetic consideration. Co-accused Mandip Kumar Rai has already been allowed bail vide Cr. Misc.No. 55338 of 2016 dated 28.02.2017 by another co-ordinate Bench of this Court.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that it was Baby Devi who has kept 7 days old boy in the house of the petitioner, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 665 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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