

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10938 of 2017

Arising Out of PS.Case No. -162 Year- 2016 Thana -FALKAHA District- KATI HAR

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1. Kishor Sharma, son of Late Hirday Narayan Sharma, Resident of Mohalla- Gandhi Bazar, P.S.- Kursela, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 24-03-2017 Heard both sides.

The petitioner seeks bail in Falka P.S. case No. 162 of 2016 under Section 363, 365 of the Indian Penal Code.

The informant alleged that her seven months child was lying on the cot. The petitioner came to her house and when her father went to purchase rice and her mother went to field the petitioner took away her child.

The learned counsel for the petitioner submits that land of the petitioner is situated near the house of informant. The informant and her family members used to encroach upon the land of the petitioner and that is why this false case has been lodged. The informant in her further statement stated that her husband died earlier but she got a seven months old child. There is no eye



witness of the occurrence but it appears that informant and other witnesses have categorically stated that it was the petitioner who had gone to the house of the informant and when her father and mother went outside the house, the petitioner fled away with child of the informant. The child is still traceless.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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