

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17059 of 2017

Arising Out of PS.Case No. -8 Year- 2017 Thana -DARBHANGA RAIL P.S. District-
SAMASTIPUR

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1. Dinanath Sah, S/o Ram Ekbal Sah, R/o Village Harpur Sari, Ward No.04,
P.S.- Parsauni, Distt- Samastipur. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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

ORAL ORDER

2 04-05-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Rail
Darbhanga/Sitamarhi (GRP DBG (SMI) P.S. Case No. 08 of 2017
registered for the offences punishable under Section 370 of the
Indian Penal Code and Section 79 of J.J. Act.

Allegedly, the petitioner was apprehended when he
was trying to flee away and three children were recovered who
disclosed that they were being taken away to Mumbai after giving
allurement for working as laborer by the petitioner.

Submission is of false implication and that the
petitioner has been made victim of the circumstances, he was not
taking away any children, without any fault the petitioner is
suffering in custody since 04.02.2017. The petitioner used to work
as Tailor Master in garment industry, Mumbai and he has come to



his house for giving competitive examination and at the time of return he was caught by the police. The three children were not with him. The guardian of the three children has sworn an affidavit that the petitioner is innocent.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the above named petitioner 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 the learned ACJM (Rail), Samastipur in connection with Rail Darbhanga/Sitamarhi (GRP. DBG SMI) P.S. Case No. 08 of 2017, subject to the conditions that one of the bailors must be 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 his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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