

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6435 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -SAMASTIPUR GRP CASE District-
SAMASTIPUR

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Baidyanath Rai @ Baijnath Rai, Son of Ram Kalyan Rai, resident of
Village- Karabanna, P.S.- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Satyavarat Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-04-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
26.11.2016 in connection with Darbhanga (Sitamarhi) P.S. Case
No. 105 of 2016 registered for the offence punishable under
Sections 370, 374, 177/34 of the Indian Penal Code and Section 79
of the J.J. Act, 2015.

The prosecution case is that SSB 51 Battalion on
secret information caught the petitioner along with two accused
persons with six children, who were being taken to Mumbai for
engaging as child labour.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case. He submits that this
application has been sworn by the father of one Mantosh Kumar,
who is alleged to be taken away by the petitioner and two others.



He further submits that the boy was taken by the petitioner to Mumbai where he was studying. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and two of the co-accused, who were caught along with the petitioner have since been granted the privilege of bail by this Court in Cr. Misc. No. 6463 of 2017 on 15.03.2017 and by a Coordinate Bench of this Court in Cr. Misc. No. 6125 of 2017 on 29.03.2017.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate (R), Samastipur in connection with Darbhanga (Sitamarhi) P.S. Case No. 105 of 2016, subject to the condition that petitioner will appear before the police/ Court on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Arjun/-

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