

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52430 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -KAKO District- JEHANABAD

- =====
1. Prabhu Rajak , Son of Basant Rajak,
 2. Sangita Devi W/o Prabhu Rajak, Both R/o Village- Oar, P.S.- Belaganj,
District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

3 22-12-2017 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in S.T. No. 348 of 2017 /
234 of 2017 arising out of Kako P.S. Case No. 73 of 2017
registered under Sections 363 and 365 of the Indian Penal Code.

Son of the informant aged about 6 to 7 years went
missing and later on a call was received on the mobile of her
husband made by a lady claiming herself to be the aunt of the
victim, but on calling back, it was found switched off.

It is submitted by learned counsel for the petitioners
that the petitioners are neither named in the F.I.R. nor any
incriminating article has been recovered from their conscious



physical possession. There is no eye witness of the occurrence. The aforesaid mobile number by which the call was received on the mobile phone of the informant's husband is not hailing to the petitioners. There is no cogent material in the case diary indicating their complicity in the occurrence barring confessional statement of Sushma Devi and her husband given before the police which have no evidentiary value in the eye of law. The petitioners have been languishing in custody since 18.04.2017.

On the other hand, it is submitted by learned APP as well as learned counsel for the informant that the petitioner Sangita Devi happens to be sorcerer and had suggested Sushma Devi and her husband Radheshyam Mahto to sacrifice a child in lieu of child conceived by Sushma Devi.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II, Jehanabad in connection with S.T. No. 348 of 2017 / 234 of 2017 arising out of Kako P.S. Case No. 73 of 2017.

(Prakash Chandra Jaiswal, J)

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