

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.18370 of 2019**

Arising Out of PS. Case No.-394 Year-2018 Thana- DARIYAPUR District- Saran

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Kundan Rai Son of Shankar Rai @ Shankar Ray Resident of village- Nagwa,  
P.S.- Dariyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vijay Kumar Srivastva  
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA  
ORAL ORDER**

3      21-05-2019                      The petitioner seeks regular bail in connection with  
  
Dariyapur P.S. Case No. 394 of 2018, registered for offences  
  
punishable under Sections 363, 364, 367, 370/34 of the Indian  
  
Penal Code.

Allegation against the petitioner and co-accused Rajesh  
Rai is of kidnapping of son of the informant, who is aged about  
6 years. It further appears from the impugned order that police  
on secret information raided the bathan of the petitioner from  
where petitioner and co-accused Rajesh Rai were arrested and  
they disclosed that they had sold the boy to one Sudhir Mahto  
for Rs. 40,000/- and, thereafter, the said Sudhir Mahto was  
arrested and the boy was recovered.

It has been submitted on behalf of the petitioner that  
the co-accused Sudhir Mahto has already been enlarged on bail



by a coordinate Bench of this Court and now the compromise has also reached between the parties and petitioner has been in judicial custody since 01.12.2018.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, so far the case of co-accused Sudhir Mahto is concerned, there is no allegation against him of kidnapping the son of informant rather the same is attributed to the petitioner and one Rajesh Rai, as such, I am not inclined to enlarge the petitioner on bail, at this stage.

This application is, accordingly, dismissed.

**(Vinod Kumar Sinha, J)**

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