

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66315 of 2018

Arising Out of PS. Case No.-574 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

1. Dilip Roy Son of Nagdeo Roy @ Nagdeo Ray,
2. Bindu Devi, Wife of Dilip Roy,
3. Dip Narayan Rai, Son of Nagdeo Roy @ Nagdeo Ray, All resident of Village Sahalpur Damodar Nagar, Sector 'C', P.S. Sadar Hajipur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar

For the Opposite Party/s : Mr.Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 15-04-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363, 363A, 365, 379 and 120B of the Indian Penal Code.

The prosecution case as per the informant is that the petitioners are neighbour of the informant and on whose request, the informant kept co-accused Punam Devi for working as a domestic helper. It is alleged that on 09.11.2017, the informant after entrusting her adopted son to said Punam Devi, for baby sitting went to the market, but when she came back from the market, she did not find either the maid or the child at home.



Thereafter, when the complainant went to the house of the petitioners for enquire about the maid, they all started abusing the informant. It is further alleged that on 14.11.2017, when the informant went to the house of the said co-accused Punam Devi along with others and asked her to hand over her child, then co-accused Punam Devi refused to hand over the child and abused the informant.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused Punam Devi from whose custody the child has been recovered. In fact, there is no eye witness to the alleged occurrence, but only on the basis of suspicion, the petitioners have been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioners in the FIR that they helped co-accused Punam Devi in taking away the child, though there is no eye witness to the occurrence.

Considering the fact that the petitioners have been made accused only on the basis of suspicion against the petitioners and the child has been recovered from the possession of co-accused Punam Devi coupled with statement made in



paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Hajipur Vaishali in connection with Hajipur Sadar P.S. Case No.574 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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