

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44980 of 2019

Arising Out of PS. Case No.-196 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Rupesh Kumar, son of Sri Amar Sahani @ Amar Chaudhary Resident of
Village- Madhopur Malahi Tola, P.S.- Majhaulia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 13-09-2019 The petitioner seeks bail in connection with

Motihari Muffasil P.S. Case No. 196 of 2019 dated

11.05.2019 instituted for the offences under Sections

369 and 370 of the Indian Penal Code.

The petitioner and one Saheb Sahani are said to have been apprehended along with a small child. The allegation in the F.I.R is that the aforesaid two persons viz. the petitioner and Saheb Sahani were trying to sell an infant for ulterior purposes. It later transpired that the child was of Saheb Sahani, who was making attempts to sell him after taking consent from his wife i.e. the mother of the victim boy.



The allegation or the defence of the accused persons appear to be absolutely weird. What pains this Court is that even after so many months of the registration of the case, no effort has been made by the Investigator to ascertain the correctness of the claim of the child being of co-accused Saheb Sahani. Even the statement of wife of Saheb Sahani has not been recorded. What further appears to be apparent is that there is no claimant of the child.

This Court has not been made known as to what happened to the child; was he given to the custody of Saheb Sahani or some other arrangement was made is not known. This is the most sorry state of investigation of a serious case like this.

In any view of the matter, since the petitioner was only said to be accompanying aforesaid Saheb Sahani, who claims to be the father of the child and taking into account the period of custody, which is from 13.05.2019, the petitioner, above named, is directed to



be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Muffasil P.S. Case No. 196 of 2019.

(Ashutosh Kumar, J)

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