

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51927 of 2019

Arising Out of PS. Case No.-178 Year-2019 Thana- BARH District- Patna

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KALINDRA KUMAR @ KALINDRA SAO Son of Late Parmeshwar Sao
Resident of Village-Nadwan, P.S.-Barh, District-Patna and at present residing
at the house of Kalluji near Bajidpur Masjid, P.S.-Barh, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-10-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner who is in custody since 07.04.2019 has
filed the instant application for grant of bail in connection with Barh
P.S. Case No.178/2019 registered for the offence punishable under
sections 363,365,371/34 of the Indian Penal Code.

As per the allegation in the FIR, the husband of the
informant is said to have sold the newly born child to Shashi Paswan.

It is stated by learned counsel for the petitioner that name
of petitioner transpired in the confessional statement of one Kanchan
Devi, wife of the above-mentioned Shashi Paswan. As per her
confessional statement made before police, she sold the child to the
petitioner. It is further submitted that Kanchan Devi had brought the
child to this petitioner for treatment, but as the condition of the child
deteriorated, the petitioner had taken the said child to PMCH for



treatment where after a few days, he died. It is further submitted that the petitioner is in custody since 07.04.2018, charge sheet has been submitted and the aforesaid Kanchan Devi has been enlarged on bail by order dated 20.09.2019 passed in Cr. Misc. No.40396/2019.

The application for bail has been opposed by learned APP for the State who submits that in course of investigation it transpires that the petitioner had promise to pay a good sum to Kanchan Devi for a newly born child. It further transpires that contrary to the submission on behalf of the petitioner as recorded in order dated 20.09.2019, it was on the confessional statement of Kanchan Devi that the name of the petitioner transpires.

Taking into consideration, the facts and circumstances of the case, the nature of allegation against the petitioner, the court is not inclined to grant bail to the petitioner, as such prayer for bail is rejected.

However, the petitioner may renew his prayer for bail after completing ten months in custody.

(Partha Sarthy, J)

Prakash Narayan /-

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