

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53788 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- KHUDWA District- Aurangabad

SANTOSH SHARMA Son of Purendra Sharma Resident of Village-
Badpisai, P.S.- Khudwan, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Purushotam Sharma

For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 22-10-2019 Heard the parties.

The petitioner apprehends his arrest in connection with Khudwan P.S. Case No.10 of 2019 registered under Sections 363, 364, 120B/34 and, later on, added Section 302 of the Indian Penal Code.

The accusation is that on 01.03.2019, the minor son of the informant Punam Devi had gone to Primary School but since then, he was missing. The informant raised suspicion against her husband Satish Sharma, Sudha Devi, the second of wife Satish Sharma, her father-in-law and mother-in-law having their hand in the kidnapping of her minor son for the purpose of committing his murder.

Learned counsel for the petitioner submits that the



petitioner is the brother of Satish Sharma and after partition of the joint family property in the year 2006 through Partition Suit No.40 of 2006, he used to reside separate to Satish Sharma. In course of investigation, the dead body of the victim boy was recovered from Ahiyapur (Arwal) and the confessional statement of Satish Sharma, the husband of the informant, was recorded, in which he confessed his guilt about kidnapping of his son, born from his first wife, on the instigation of his second wife Sudha Devi, so that the child could not take share in his property. Satish Sharma also confessed about having hand of the petitioner in carrying the victim boy. Further submission is that since the petitioner used to reside separate since the year 2006 to Satish Sharma, the husband of the informant, due to that reason, Satish Sharma also disclosed the name of the petitioner having hand in the kidnapping of the victim boy. Except that, nothing was collected against the petitioner in course of investigation.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Judicial Magistrate, First Class,
Daudnagar, District-Aurangabad, in connection with Khudwan
P.S. Case No.10 of 2019, subject to the conditions laid down
under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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