

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62826 of 2018

Arising Out of PS. Case No.-64 Year-2018 Thana- PIPRAKOTHI District- East Champaran

Sarita Devi, W/o Nand Lal Singh, Resident of Village- Nirpur, P.S. - Chiraiya,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate
		Mr. Anshudhar Sharma, Advocate
For the Opposite Party/s :		Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 09-01-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 02.05.2018 in connection with Pipra Kothi P.S. Case No.64 of 2018 registered for the offence under Sections 363 and 365 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected as the main accused Bagar Malik had not been arrested till the said date. It is further submitted that the petitioner, being an issueless lady, had been looking out for a child to adopt and the said Bagar Malik @ Shyam Lal Malik had brought a child to her which she had purchased by paying Rs.65,000/-. It was



further submitted that at the said moment when she had taken over the possession of the child, she was not aware that the baby was a stolen child and, therefore, she is not guilty of any kidnapping, as has been alleged. Learned counsel for the petitioner thus submits that the petitioner may be extended the privilege of bail.

Diary in the present case was called for, which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that, in fact, the woman had taken the baby in her custody after paying Rs.65,000/- and it appears from the recital in the diary that Sarita Devi was having no knowledge that the child was a stolen child and had taken the child in her custody on having been told by the accused persons that it was found in an abandoned condition.

In view of the aforementioned facts and circumstances and the period of custody already undergone by the petitioner and that she has no criminal antecedents, let the petitioner, above named, be released on bail on her furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, in connection with Pipra Kothi



P.S. Case No.64 of 2018.

(Anjana Mishra, J)

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