

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7973 of 2019

Arising Out of PS. Case No.-906 Year-2016 Thana- COMPLAINT CASE District- Banka

Sachitanand Pandit @ Sachida Nand Pandit @ Sachin Pandit Son of Late Raghu Pandit @ Late Ratu Pandit, Resident of Village- Bara, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kalawati Devi, Wife of Krishnadeo Pandit, Resident of Village- Raghunathpur, PS- Barahat, District- Banka.

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 25-04-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 323, 380, 504, 307/34, 364, 511 of the Indian Penal Code.

Allegation against the petitioner is that he kidnapped to his minor son who was born from the first wife of the petitioner. After death of first wife, the petitioner had married with another lady and the child from first wife is alongwith his maternal grand parents. Mother-in-law of the petitioner is complainant of this case.

Learned counsel for the petitioner submits that



no allegation of kidnapping of his own child is permissible against the petitioner. Petitioner is natural guardian. Hence, he has right to have the child.

Learned counsel for the complainant submits that the welfare of the child is paramount consideration while considering the custody of the child. The child is with the complainant. Hence, the petitioner be asked not to illegally interfere in this matter.

Considering the facts of this case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Complaint Case No.906 of 2016, subject to the condition that **petitioner shall not remove the child in any forceful manner** and both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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