

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28629 of 2020

Arising Out of PS. Case No.-115 Year-2019 Thana- SITAMARHI District- Sitamarhi

Chhote Dubey @ Nand Kishore Dubey, aged about 42 years, Male, Son of -
Bachchu Dubey, Resident of - Kot Bazar, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
For the State : Mr.Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-11-2020 Heard the parties through the virtual court proceeding.

Since physical court proceeding is not functioning due
to present Pandemic Covid-19, the matter is listed with defect.

Learned counsel for the petitioner undertakes to
remove the defect within three weeks of normal functioning of
the court after the lockdown, failing which the office is directed
to place the matter before the Bench.

The petitioner seeks bail in connection with Sitamarhi
P.S. Case No. 115 of 2019 registered for the offences punishable
under Sections 363, 365, 368, 120(B)/34 of the Indian Penal
Code.

The prosecution story in brief is that it is on the
written application dated 15.02.2019 of the informant namely
Bharat Rai submitted to the S.H.O., Sitamarhi P.S. on



16.02.2019 alleging therein that it was in the night of 14.02.2019, he was sleeping with his son namely Prince Kumar aged about six years in his room, the doors of his room was open and bulb was lighting, it was at about 1.00 P.M., he heard sound of someone entering in the room then he woke up and see that (i) Jitendra Rai, son of Nagendra Rai, resident of Bariyarpur Ward No.3, (ii) Rintu Rai @ Rinha Rai, son of Shiv Shankar Rai, resident of Bariyarpur, (iii) Kameshwar Rai, son of Puran Rai, resident of Bhairo Kothi, (iv) Bhagirath Jha, son of not known, resident of Bhairo Kothi, (v) Chhote Dubey, resident of Kot Bazar; all resident of P.S. Sitamarhi, entered his room and after slapping him took away his minor son threatening him not to make any noise otherwise they will kill his son. The informant further stated that it is for purpose of stealing the boy they have kidnapped his minor son.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the petitioner has been dragged in the present case with ulterior motive since no such occurrence has taken place as alleged in the F.I.R. He further submits that the petitioner has no concern with the offence as alleged and it is after recovery of the boy on the very next day i.e. on 18.02.2019 his statement



under Section 164 of the Cr.P.C. has been got recorded, however, he has not taken name of the petitioner as abductor/kidnapper. He further submits that the petitioner is in jail custody since 12.01.2020. He further submits that similarly situated co-accused have been granted bail by the learned court below vide order dated 15.04.2019 passed in B.P. No.432 of 2019 (Jitendra Rai), A.B.P. No.881 of 2019 (Bharirath Kumar @ Bhagirath Jha, A.B.P. No.925 of 2019 (Rintu Rai @ Rinta Rai) vide common order dated 24.05.2019 and vide order dated 13.09.2019 passed in A.B.P. No.913 of 2019 (Kameshwar Rai).

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No. 115 of 2019.

(Anjani Kumar Sharan, J)

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