

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23839 of 2021

Arising Out of PS. Case No.-392 Year-2020 Thana- BIDUPUR District- Vaishali

1. CHANDRAKALA DEVI W/O SHRI SHAMBHU CHOUDHARY R/o
village- Bag Musa, P.S.- Town Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 30-06-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 363, 365/34 of the Indian Penal Code in which subsequently Section 302, 201, 120B and 364(A) of the Indian Penal Code was added.

As per FIR, informant has alleged that on 21.09.2020 at 10:30 a.m., she did not find her children namely Satyam Kumar, aged about 9 years and Vicky Kumar, aged about 3 years. Informant suspected that her Jaut Sanjeet Kumar and his friend Aklesh have kidnapped her children.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and from perusal of the case diary it appears that there is no specific allegation of kidnapping and

murder against this petitioner and she is innocent and has been falsely implicated in this case. The name of petitioner has surfaced in this case on the basis of confessional statement of co-accused Sanjeet Kumar, Vikash Kumar, Chottu Kumar and Mukul Kumar and from their possession, abducted child Vicky Kumar was recovered.

From the confessional statement of all the co-accused, it appears that co-accused, Mukul Kumar is son-in-law of Chandrkala Devi (Petitioner) and she expressed her desire to adopt a male child and for which, she is also ready to pay some money and in furtherance of which, co-accused, Mukul Kumar in conspiracy with other accused, kidnapped both sons of informant and gave one child Vicky Kumar, aged three years, to Chandrkala Devi (petitioner) for which, she paid Rs.40,000/-, however, she was not willing to keep other child, Satyam Kumar, aged 9 years and in order to save themselves, the said child was killed. It appears that both petitioners had no knowledge that the child handed over to them is a kidnapped child and subsequently one child has been killed. Petitioner has got no criminal antecedent and is in custody since 29.09.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon

furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Bidupur PS Case No. 392 of 2020**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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