

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32558 of 2021

Arising Out of PS. Case No.-322 Year-2020 Thana- PIRBAHOR District- Patna

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Dharmendra Kumar @ D.K., S/o Late Rajendra Ram, R/o Mohalla- Purani
Jakkanpur, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Samrendra, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-01-2022 The matter has been listed today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Pirbahore P.S. Case No.322 of 2020 registered for the offence
punishable under Section 363/365 of the Indian Penal Code.

As per the prosecution case, co-accused Mamta
Kumari stole the boy and sold the boy to co-accused Sonal
Prakash for Rs.One lakh. The name of the petitioner has
transpired in the case on the basis of the confessional statement
of co-accused Mamta Kumari.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



case. The stolen boy was brought by co-accused Sonal Prakash. Sonal Prakash had taken the boy from Mamta Kumari, who has given that boy to the accused by “*Godnama*”. It is further submitted that from the FIR it is apparent that the boy was stolen by Mamta Kumari and recovered from the possession of co-accused Sonal Prakash. Petitioner having no criminal antecedents is in custody since 24.10.2020. Other similarly situated co-accused, namely, Sintu Kumar and Sonal Prakash, have been allowed bail in Cr.Misc. No.26478 of 2021 and Cr.Misc. No.12408 of 2021 respectively.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner’s counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st, Patna, in connection with Pirbahore P.S. Case No.322 of 2020, subject to



the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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