

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23840 of 2022

Arising Out of PS. Case No.-428 Year-2020 Thana- ALAMGANJ District- Patna

Dilip Kumar, Son of Late Basudeo Rai @ Baldev Prasad Yadav, R/o Village-
Ballai, P.S.- Ghoshi, District- Jehanabad. Present Address- Bhutnath Road,
Bajrangpuri Mandir Ke Paas, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Anil Kumar, learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Alamganj P.S Case No. 428 of 2020 registered
for the offences punishable under Section 370 of Indian Penal
Code.

As per the prosecution case, it is alleged that on
04.03.2020 while the informant was in her house, in the
meantime, the petitioner along with co-accused Chandan
Kumar had come to her house and took away her two years son
with them. After Holi festival all of them including the



informant along with her son came at Fatuha and told to the informant that her child is so small, so he may be kept in hands of Mahesh Yadav at Fatuha. It is further alleged that after few months when the informant demanded her son from Chandan Kumar and the petitioner, they did not respond and started procrastinated. It is further alleged that the informant came to know that both the accused persons have sold her son for Rs. 1 lakh.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R, it is evident that the informant was all along with the petitioner and other accused persons and in her presence the boy, who was only aged about 2 years, was handed over to co-accused Mahesh Yadav and as such the very conduct of the informant appears to be suspicious. It is next submitted that the alleged occurrence of handing over of the two years son of the informant had taken place on 04.03.2020, but surprisingly this F.I.R has been instituted on 01.08.2020, after a delay of 5 months, but no plausible explanation whatsoever has been assigned as to why she kept her son in the house of co-accused Mahesh Yadav. It is further submitted that save and except the suspicion that this petitioner sold her son, there is no cogent material which suggests the complicity of the petitioner



and moreover this petitioner is in custody since 02.08.2020 having fair antecedent, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State submits that there is specific allegation against this petitioner that he along with the informant and other co-accused persons went to the house of Mahesh Yadav to keep the two years son of the informant and thereafter her son is allegedly sold to some other person.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the informant was all along present at time of occurrence, but she never raised any protest and F.I.R. has been lodged after a delay of five months, apart from the fact that this petitioner is in custody since 02.08.2020 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court of Smt. Payal Singla, J.M., Ist Class, Patna City in connection with Alamganj P.S. Case No. 428 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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