

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33270 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- BHAGWAN BAZAR District- Saran

Rinku Devi, Wife of Sushil Kumar Resident of Village Patanpura, P.S. Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41094 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- BHAGWAN BAZAR District- Saran

Kunti Devi, Wife of Ramdev Singh Resident of Village Batani, P.S. Chhapra Muffasil, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33270 of 2021)

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

(In CRIMINAL MISCELLANEOUS No. 41094 of 2021)

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 28-02-2022 Learned counsel for the petitioners submit that in Cr. Misc. No. 41094 of 2021, due to typographical error the name of the petitioner Kunti Devi has been typed in place of Kanti Devi. The name of the petitioner be read as Kanti Devi.

Heard learned counsel for the petitioners as well as learned APP for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the



physical court.

The petitioners seek bail in connection with Bhagwan Bazar P.S. Case No.40 of 2021 registered for the offence punishable under Sections 363, 368 and 369 of the Indian Penal Code.

The prosecution case in short is that, on the written report of the informant, on 22.01.2021 at about 5.37 O'clock in the evening his wife gave birth to a male child in Sadar Hospital, Chhapra and that child was admitted in SNCU. It has further been alleged that on 23.01.2001 at about 02.00 O'clock he went to take a diaper for his child and when he returned then he saw that his wife was weeping and on being asked his wife told that someone had taken away the child from SNCU, after that the informant asked about his child from the staffs of SNCU who told that his family members had taken the child, thereafter, the informant informed his family members who came and searched the child but they could not find the child. The informant has apprehension that the staffs of the SNCU sold his child.

Learned counsel appearing on behalf of the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in this case. Learned counsel for the



petitioners further submit that the petitioners are not named in the FIR. The name of the petitioners have been transpired on the basis of confessional statements. Learned counsel for the petitioners submit that police recovered the stolen child from Rainbow Hospital. Learned counsel for the petitioners submit that charge sheet has been submitted against the petitioners and the petitioners are in custody since 26.01.2021.

Learned APP for the State on the basis of the material available on the record and the case diary fairly submits that there is no sufficient material against the petitioners.

Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Saran (Chhapra) in connection with Bhagwan Bazar P.S. Case No.40 of 2021 with the following conditions:-

(1) Petitioners 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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