

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49812 of 2021

Arising Out of PS. Case No.-692 Year-2020 Thana- NAGAR District- Vaishali

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NITESH KUMAR SON OF MOHAN PASWAN R/O VILLAGE-
DAMODARPUR, P.O.- DAMODARPUR, P.S.- SARAI, DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-04-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 363 of the Indian Penal Code to which section 363A of the Indian Penal Code was added subsequently.

As per the prosecution case, the three years old son of the informant disappeared and was not to be found inspite of search.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The petitioner has been falsely implicated in the case in course of investigation. Even as per the prosecution case the child of the informant was recovered from the joint possession of the coaccused Noori



Khatoon and the petitioner. In fact the child was in possession of Noori Khatoon and the petitioner was falsely implicated in the case because of proximity to the said lady. The said Noori Khatoon has been enlarged on bail vide order dated 8.4.2021 (Annexure-2) passed by the learned Court below. The petitioner is in custody since 25.2.2021 and undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the recovery of the child of the informant without any harm having been caused, grant of bail to the coaccused Noori Khatoon and the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Hajipur Town P.S. Case no. 692 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur.

(Partha Sarthy, J)

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