

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53149 of 2021

Arising Out of PS. Case No.-115 Year-2021 Thana- AAJAM NAGAR District- Katihar

Munna Sah @ Shyam Kumar Sah Son Of Late Satya Narayan Sah Resident
Of Village- Jigin, P.S.- Baliya Belone, District- Katihar Petitioner/s
Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody since 19.05.2021
in connection with Azamnagar (Salmari O.P.) P.S. Case No. 115
of 2021 registered under Sections 363 and 365/34 of the Indian
Penal Code.

As per the First Information Report, the informant's
three years old son was playing outside the home disappeared.
After searching in everywhere when he could not be found, the
informant lodged First Information Report alleging that the boy
may have been kidnapped by Heena Devi and the petitioner
herein. Subsequently, Police took Heena Devi into its custody
and she took them to the house of the petitioner herein where
the child was recovered. This way the petitioner was arrested.

The allegation in the FIR is that the accused Heena



Devi along with Monaj Ravidas had kidnapped the three years old boy for a family which was issueless.

Learned counsel for the petitioner submits that he has filed a supplementary affidavit stating that he was not the person and/or the family for whom the said boy was kidnapped as he is blessed with three daughters and a son. He further submits with the help of averments made in the bail application that Heena Devi had brought the children in his house stating that it is her sister's son. He lastly submits that he is in jail since 19.05.2021 (as stated in paragraph-11 of the bail application.

Considering the aforesaid facts, that the allegation of taking the boy has come against Heena Devi and Manoj Ravidas and the petitioner is not the person for whom the said boy was kidnapped, he is in jail since 19.05.2021 and have no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azamnagar (Salmari) P.S. Case No. 115 of 2021, subject to the following conditions :-

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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