

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64246 of 2021

Arising Out of PS. Case No.-280 Year-2021 Thana- KOTWALI District- Patna

1. Dilkhush Sharma Daughter of Ajay Singh @ Yashpal Sharma R/o Khalilchak, P.S.- Barbigaha, District - Sheikhpura.
2. Ajay Singh @ Yashpal Sharma Son of Late Kirani Singh R/o Khalilchak, P.S.- Barbigaha, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor 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.

Petitioners seek bail in a case registered for the offences punishable under Sections 363, 369 and 370 of the Indian Penal Code.

According to prosecution case, on the basis of fardbeyan of informant namely Jitendra Mallick alleging therein that he had come to withdraw money from the Bank of Indian R. Block with his younger brother, his wife and a relative which



was to be withdrawn from the bank account of the wife of the younger brother of the informant and she was carrying a child aged about 10 months who was his son and was named Pankaj Mallick. When the informant reached R Block alongwith his family members he was sitting out of the bank with the child in his lap and others went inside the bank. After sometime an elderly person aged about 50 years accompanied by his daughter sat near the informant and the girl gave a Kurkure to the child and after some time the girl told the elderly person that she would bring toffee for the child and the elderly person gave Rs.10 to her and the girl started to go ahead with the child and the informant started to follow her but the girl managed to escape and the informant started to shout that the woman had fled with his child and the elderly person also started to flee on his motorcycle however, the informant gathered courage and caught hold of him and started to inquire about his child however the knowledge of whereabouts of the child was denied by the said elderly person.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the police have maliciously shown the recovery of the child from the



custody of petitioner no.1. He further submits that the informant realising his mistake has subsequently filed a compromise petitioner before the learned Court below. The petitioners are in custody since 03.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kotwali P.S. Case No. 280 of 2021, subject to 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 their absence on two consecutive dates without sufficient reason, their 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.



3. 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 step 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)

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