

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42745 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- PARSAUNI District- Sitamarhi

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UMESH SAH Son of Chandradeo Sah Resident of Village - Sundargama
Ward No.3, P.s.- Parsauni, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 320/34 of the Indian
Penal Code.

According to prosecution case, the informant alleges
that four years ago, the petitioner along with F.I.R. named
accused had taken her son to Surat (Gujarat) for doing work on
contract. It is next alleged that initially, the informant was in
contact with the son, but after one month, the son was in contact
with the informant. It is next alleged that when the petitioner
returned back home without her son and on inquiry, did not



reply satisfactorily about her son, as such, based on suspicion that the petitioner might have sold his son had instituted the present F.I.R.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation as alleged in the F.I.R. is that four years ago the petitioner and other co-accused persons had taken her son to Surat (Gujrat) for work but after one month of the departure her son had not contacted with the informant. He further submits that petitioner has no concern at all with the son of the informant and the allegation as alleged in the F.I.R. is false and fabricated. He further submits that it appears from the F.I.R. that the allegation is against two accused persons namely, Umesh Sah and Rama Sah. He further submits that no cogent material has come during investigation against the petitioner and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rama Sah has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 10.08.2022 passed in Cr. Misc. No. 2663 of 2022. The petitioner is in custody since 25.05.2022.



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

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Parsauni P.S. Case No. 123 of 2021, subject to the following conditions:-

1. Petitioner 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. 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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