

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47940 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- SIWAN CITY District- Siwan

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1. Anita Kumari Wife of Hiralal Sah R/O Vill.- Ramnagar Andar Dhalla, P.S.- Siwan Town, Dist.- Siwan
 2. Ranjeet Kumar Son of Rameshwar Sah R/O Vill.- Ramnagar Andar Dhalla, P.S.- Siwan Town, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, APP

For the Opposite Party/s : Mr. Mritunjay Kr. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-09-2024 Heard learned Advocate for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail, who are in custody in connection with Siwan Town P.S. Case No. 183 of 2024, registered for the offence punishable under Sections 379 and 120(B)/34 of the Indian Penal Code and Sections 75 and 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. Based upon the written report, the prosecution alleges that the petitioners along with one another were found indulged in selling of new born baby. On the aforesaid confidential information, the police apprehended the petitioners



and one another, who were found in possession of a new born baby, which was handed over to the Specialized Adoption Center.

4. Learned Advocate for the petitioners contended that the petitioners are none-else but; petitioner no. 1 happens to be own sister of the mother of the new born baby and the petitioner no. 2 is the uncle of the baby. The entire FIR has been instituted on suspicion that the petitioners were involved in selling of new born baby but the fact is that one Rishu Devi, who is said to be Nurse in the Sadar Hospital, Siwan, along with the petitioners and the family of the new born baby had gone for treatment, but they have been arrested on suspicion of selling of the new born baby, which is out and out a false allegation. Taking note of the aforesaid fact, co-accused Rishu Devi has been granted bail by this Court in Cr. Misc. No. 50730 of 2024 vide order dated 24.07.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners have one criminal antecedent which speaks loud. Moreover, the FIR also reveals complicity of the petitioners in the crime.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of allegation and the fact that co-accused person has been allowed privilege of bail; now the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No. 183 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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