

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53219 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- CHAKAND District- Gaya

Sabrat Raut, Son of Shadeo Raut, Resident of Village- Baruadhia, P.S.- Raj Kanika, District- Kendrapara, State- Odisha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Sharma, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore. APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard Mr. Sanjay Sharma, learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Chakand P.S. Case No. 114 of 2024 registered for the offences punishable under Sections 363/365 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that on 30.04.2024, at around 7.30 AM, one unknown person kidnapped the child of the informant and tried to flee away. However, with the help of some of the villagers, the informant chased and apprehended him. The child was found in his possession and thereafter information was given to the police, who came there and arrested the petitioner.

4. Learned Advocate for the petitioner contended that



the narrations made in the F.I.R. clearly suggests that a three years boy, who was crying, has been recovered from the possession of the petitioner. In fact, the case has been instituted on suspicion and save and except the suspicion, there is no material. He further contended that on the alleged date of occurrence the boy was crying in the field and the petitioner without knowing about his parentage took him on his lap and in the meantime the informant and other villagers came there and apprehended the petitioner. It is next contended that the seizure list witnesses are only the police constables, which also falsifies the prosecution case. The petitioner is in custody since 01.05.2024, having fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that in fact there is specific allegation that this petitioner kidnapped the son of the informant and he was trying to flee away with the minor child.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the boy was recovered before the institution of the F.I.R. from an open orchard and save and except the suspicion, there is no material that it is the petitioner, who had kidnapped the minor son of the



informant, coupled with the fact that the petitioner is a man of fair antecedent and is in custody since 01.05.2024, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Chakand P.S. Case No. 114 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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