

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66576 of 2024

Arising Out of PS. Case No.-329 Year-2024 Thana- SURSAND District- Sitamarhi

Nathuni Sah Son of Ramashish Sah Resident of Village- Kachaharipur, P.S.-
Sonbarsa, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-11-2024 Heard learned counsel for the petitioner and
learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in Sursand P.S. case
No. 329 of 2024 instituted for the offences under Sections
318 and 139 of Bhartiya Nyaya Sanhita, 2023.

3. Prosecution allegation, in short, is that the one
accused person came at the house of the informant and on
the pretext of getting benefit from government scheme from
the Block Office, collected copy of Aadhar Card and Bank
Pass Book from the informant and fled away with the child.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



the present case. The petitioner is not named in the F.I.R. The F.I.R. is against unknown. Charge-sheet has been submitted in this case under Sections 318(4), 137(1)(b), 140(3), 142, 3(5) of B.N.S., 2023 against the petitioner. No incriminating material has been recovered from the possession of the petitioner. However, the child was recovered from the house of co-accused Kishori Rai and the name of the petitioner has transpired on the basis of disclosure made by said Kishori Rai. The petitioner is in custody since 10.07.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP referring to various paragraphs of the case diary including paragraphs 26 and 79 submits that witnesses have stated that the petitioner was taking away the child on his back with his motorcycle and sold the child for Rs. 1.6 lakh. The allegation against the petitioner is serious in nature and the he does not deserve bail.

6. Considering the nature of allegation and gravity of offence, this Court is not inclined to grant bail to the petitioner.



7.The prayer is rejected at this stage.

8. However, if the trial is not concluded within a period of six months, the petitioner has liberty to renew prayer for bail in the the Court below itself.

(Rudra Prakash Mishra, J)

Pankaj/-

U		T	
---	--	---	--

