

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70240 of 2024

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

Kishori Rai @ Kishori Ray Son of Ram Pratap Ray Resident of Village-
Lakshmipur, P.S- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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

ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Sursand P.S. Case No. 329 of 2024, instituted for the offences
punishable under Sections 318 and 139 of the Bharatiya Nyaya
Sanhita, 2023.

3. The prosecution case, in short, is that, 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. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement of co-accused person and the same has got no evidentiary value. The victim child has not been recovered from the possession of the petitioner. It is further submitted that no T.I. parade has been conducted in this case. The petitioner is in custody since 10.07.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that as per paragraph nos. 2 and 8 of the case diary, witnesses during course of the investigation have supported the prosecution case. It is further submitted that the victim child has been recovered from the house of the petitioner. Earlier, regular bail of another co-accused has been rejected by this Court vide order dated 19.11.2024 passed in Cr. Misc. No. 66576 of 2024. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the 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 from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

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