

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77262 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- CHAKIA District- East Champaran

1. Raushani Khatoon W/O Sami Akram @ Akram Khan Resident Of Village- Jogauliya Gulab Khan Showk, P.S.-Madhuban, District-East Champaran
2. Pramila Khatoon @ Pravin Khatoon W/O Khairati Khan Resident Of Village- Jogauliya Gulab Khan Showk, P.S.-Madhuban, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate
For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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

ORAL ORDER

4 05-04-2024 Heard learned counsel for the petitioners and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Chakia
PS Case No. 192 of 2023 instituted for the offences under
Sections 365, 370 & 34 of the Indian Penal Code.

3. A report was called for from the Trial Court. It has
been reported that charge have been framed on 20-12-2023 and
all nine witnesses are yet to be examined and trial is expected to
be concluded within one year.

4. Prosecution case, in brief, is that informant's wife
gave birth to a female child and she was allotted Bed No. 07 and
on 26-05-2023 at about 4:30 AM, when all family members



were sleeping, newly born baby was stolen away by some unknown persons.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioners further submits petitioners are not named in the FIR. Name of the petitioners have surfaced during course of investigation on the basis of disclosure made by the spy that the infant was in possession of the petitioners. Petitioners have never hatched conspiracy for abduction of child rather child was thrown in the garbage whereafter petitioners were taking care of the child. Petitioners are in custody since 28-05-2023 having no criminal antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is submitted that paragraph No. 19 of the case diary corroborates the allegation.

7. Considering the aforesaid facts and circumstances of the case and serious nature of the offence, I am not inclined to grant bail to the petitioners.

8. The prayer is rejected.

9. The Trial Court is directed to take all necessary



steps to conclude the trial at earliest preferably within a period of one year from the date of receipt/production of a copy of this order.

10. If the trial is not concluded within the aforesaid period i.e., one year, the petitioners will be at liberty to renew their prayer for bail and the trial court will decide the same on its own merit without being prejudice by this order.

11. The District Magistrate, East Champaran and the Superintendent of Police, East Champaran are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

12. Let this order be communicated to the District Magistrate, East Champaran and the Superintendent of Police, East Champaran.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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