

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73483 of 2024

Arising Out of PS. Case No.-291 Year-2024 Thana- KOTWALI District- Patna

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Lagendra Mahto @ Bhagat Jee @ Nagendra Mahto, S/O Late Jageshwar Mahto, Resident of Village- Basatpur Patti, P.S.- Saraiya, District- Muzaffarpur. At Present GPO Golamber, P.S. Kotwali, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 74117 of 2024

Arising Out of PS. Case No.-291 Year-2024 Thana- KOTWALI District- Patna

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1. Lalita Devi, Wife of Milan Das, D/O Maheshwar Das, R/O Bathua Bujaro, Musari Gharavi, P.S.- Samastipur, Dist.- Samastipur. At present R/O South Mandiri, P.S.- Buddha Colony, Dist.- Patna.
 2. Milan Das, Son of Nirmal Das, R/O Bathua Bujaro, Musari Gharavi, P.S.- Samastipur, Dist.- Samastipur. At present R/O South Mandiri, P.S.- Buddha Colony, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 73483 of 2024)
For the Petitioner/s : Mr.Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP
(In CRIMINAL MISCELLANEOUS No. 74117 of 2024)
For the Petitioner/s : Mr.Prashant Kashyap, Advocate
For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 21-01-2025 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners have prayed for bail in connection



with Kotwali P.S. Case No.291 of 2024 registered for the offence punishable under Sections 363, 365, 369/34 of the Indian Penal Code.

3. The case of the prosecution is that the informant lives with his wife and six children in his tent. On 29.04.2024, he was sleeping with his family. At 6 A.M. when he awaked, he found that his three months old son was missing. He asked from his wife but she was not knowing about the infant. After this, he started searching his son and he came to know that Maheshar Das, his wife, his daughter and Milan Das have stolen his son.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. During course of investigation, Milan Das has given his confessional statement and has stated that in connivance with Lagendra Mahto @ Bhagat Jee, they were indulged in lifting the infants. The missing infant has not yet been recovered. There is nothing except confessional statement. The name of Lalita Devi and Milan Das is there in the F.I.R. but from perusal of the F.I.R., it is not clear as to how did the informant know the names of these petitioners.



From perusal of para 64 of the case diary, it is clear that the informant has disclosed to the I.O. during investigation that on the night of the occurrence, Mahesh Das and Bhagat Jee have come to him at about 3-4 A.M. and they have awakened him for the consumption of liquor. He has further stated that he believes that Bhagat Jee has stolen the boy and has concealed him somewhere. From this statement of the informant, it is clear that there is major contradiction in F.I.R., the confessional statement and the statement of the informant. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Petitioner Lagendra Mahto is languishing in judicial custody since 22.05.2024 whereas petitioners Lalita Devi and Milan Das are languishing in judicial custody since 03.05.2024.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial
Magistrate, Patna in connection with Kotwali P.S. Case
No.291 of 2024.

(Ashok Kumar Pandey, J)

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