

Shobha Devi vs The State Of Bihar on 10 November, 2020

Author: Prabhat Kumar Jha

Bench: Prabhat Kumar Jha

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18831 of 2020
Arising Out of PS. Case No.-250 Year-2019 Thana- BHAGALPUR GRP CASE D
Bhagalpur
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SHOBHA DEVI D/o Lakhinder Choudhary, Resident of Village -
Bahadurpur, P.S.- Aereraj, Distt - East Champaran. Petit
Versus
The State of Bihar Opposite Par
=====

Appearance :
For the Petitioner/s : Mr.Samir Kumar, Adv.
For the Opposite Party/s : Mr.Ramchandra Sahni, APP
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-11-2020

Heard both sides through Video Conferencing.

Petitioner seeks bail in Bhagalpur G.R.P.S. Case No.250 of 2019 registered under Sections 363(A), 369, 370 and 120(B) of the IPC and under Sections 81 and 84 of the J.J. Act.

The informant, in nutshell, alleged that while his wife was purchasing rail ticket at Bhagalpur Railway Station, his two and half years old child was kidnapped. The wife of the informant informed him about the occurrence and when the informant came to Bhagalpur after having received information that two ladies were apprehended, who had kidnapped the child, he found that Kalpna Kumari and Sarika Devi kidnapped the child of the informant and sold him to Vijay Choudhary. Vijay Choudhary sold the child to the petitioner. The child was recovered from possession of the petitioner.

Learned counsel for the petitioner submits that for the similar allegation, Bhagalpur Rail P.S. Case No.249 of 2019 was Patna High Court CR. MISC. No.18831 of 2020(3) dt.10-11-2020 registered. Sarika Devi was apprehended and on her confession, Vijay Choudhary was also apprehended. Vijay Choudhary denied to be the husband of Sarika Devi. Vijay Choudhary has already been granted bail by learned 1st Additional Sessions Judge, Bhagalpur on the ground that Vijay Choudhary denied to be the husband of Sarika Devi and he was in custody since 23.12.2019. It is submitted that the petitioner is in jail since 18.12.2019. The petitioner got only four daughters and she purchased the child on payment of Rs.1,20,000/- from Vijay Choudhary.

Having considered the facts that the petitioner purchased the child from Vijay Choudhary, who was running a hospital in Muzaffarpur and Vijay Choudhary has already been granted bail and the petitioner is in custody since 18.12.2019, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Bhagalpur in connection with Bhagalpur GRPS Case No.250 of 2019.

(Prabhat Kumar Jha, J) Harish/-

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