

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No 17474 of 2018**

Arising Out of PS.Case No. -129 Year- 2017 Thana -KALYANPUR District- SAMASTIPUR

=====

Ram Sevak Rai S/o Late Pritam Rai, R/o Village- Surhi Kharshand, P.S.-  
Kalyanpur, District- Samastipur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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For the Petitioner/s : Mr Jitendra Kumar Giri, Advocate

For the S t a t e : Mr Tarun Prasad Mandal, APP

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**3      03-05-2018**

Heard learned counsel for the petitioner and the APP

for the State.

Petitioner seeks bail in a case registered under  
Sections 363, 366A/34 of Indian Penal Code.

It is submitted on behalf of the petitioner that in  
various paragraphs of the case diary, it is found that specific  
allegation of taking away the girl is against co-accused Pappu Rai.  
Occurrence is said to have taken place on 21.07.2017 but the first  
information report has been lodged against all the persons on the  
basis of vague and general allegations on 25.08.2017. It is further  
submitted that one important intervening circumstance before  
lodging the FIR on 25.08.2017 is that Complaint Case No 1345 of  
2017 has been lodged on 29.07.2017 by one of the co-accused



alleging kidnapping of his daughter against the informant party. It is further submitted that the petitioner has been implicated in the counter case due to extraneous consideration and that prior to the instant case, there is no criminal antecedent of the petitioner and he is in custody in connection with this case since 23.09.2017.

Considering the submissions aforesaid, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Samastipur in Kalyanpur Police Station Case No 129 of 2017 corresponding to GR No 2401 of 2017 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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