

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52363 of 2019

Arising Out of PS. Case No.-264 Year-2018 Thana- SALIMPUR District- Patna

SWARTH RAI Son of Late Judagi Rai Resident of Village-Lakhipur Bigha,
P.S.-Salimpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Advocate
Mr. Bhola Kumar, Advocate.
For the Opposite Party/s : Mrs Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in **Salimpur P.S. Case No. 264 of 2018**, instituted for the offence under Section(s) 365, 380, 427, 436, 504 and 506/34 of the Indian Penal Code.

Counsel for the petitioner submits that instant case has been filed as counter blast of Salimpur P.S. Case No. 195 of 2018 against grand-son of the informant namely, Roshan Kumar and others levelling allegation that he along with others had kidnapped minor niece of the petitioner, Pinki Kumari, with intention to marry her.

In the instant case it is alleged that on the date of occurrence, petitioner along with other accused persons after



entering into the house, burnt the household articles by sprinkling kerosene oil. They took away gold ornaments and Rs.1,15,000/-. It is further alleged that accused persons threatened of dire consequences in the event anybody dares to give evidence against them. The grandson of the informant, namely, Roshan Kumar came, then accused persons took him away and he did not return. It is mentioned in the written report that there was love affair between Roshan Kumar and Pinki Kumari, daughter of Vijay Rai. Both of them have fled away for performing marriage, for which, Salimpur P.S. Case No. 195 of 2018 was registered.

From the impugned order it appears that in paragraph 4 of the case diary it is mentioned that Police has not found any burnt articles at the place of occurrence, during course of investigation. There is general and omnibus allegation in the written report against the petitioner. Earlier Salimpur P.S. Case No. 195 of 2018 was registered wherein it is mentioned that there was love affair between Roshan Kumar and Pinki Kumari, daughter of Vijay Rai and both of them voluntarily fled away for performing marriage.

Petitioner is in custody since 5.12.2018 having clean antecedent.



Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-III, Barh**, in connection with **Salimpur P.S. Case No. 264 of 2018**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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