

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26337 of 2020

Arising Out of PS. Case No.-19 Year-2018 Thana- RAJEPUR District- East Champaran

RAM AYODHYA RAI @ YODHA RAY S/o Jai Lal Rai Resident of Village-
Noniman, P.S.-Rajepur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Patanjali Rishi
For the Opposite Party/s	:	Mr. Ashok Kumar, APP
For the Informant	:	Mr. Umesh Prasad Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-11-2020 The petitioner seeks regular bail in connection with Rajepur P.S. Case No. 19 of 2018 for the offence punishable under Sections 366A, 372, 376, 302, 202 and 120B of the Indian Penal Code.

The case of the prosecution in brief is that on 26.04.2017, the daughter of the informant, who is aged about 16 years and is studying in Class-9, had gone outside to relieve herself, where all the accused persons were standing from before and had forcibly made the daughter of the informant sit in a bolero vehicle and had then fled away, however they were identified by the witnesses in torch light, whereupon the informant was also informed. It is also alleged that the informant came to know later on that her minor daughter, who was kidnapped, was raped for several days and then was burnt to death, whereafter her dead body was made to disappear.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 18.02.2020. It is further submitted that the petitioner has been roped in the present case only because he happens to be the father of one of the co-accused persons namely Pappu Kumar and apart from that there is absolutely no material against the petitioner herein. It is also submitted that similarly situated co-accused person namely Kameshwar Singh, who is father of one of the co-accused persons namely Rahul Kumar, has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 06.01.2020 passed in Cr. Misc. No. 73291 of 2019.

Per contra, the learned counsel appearing for the informant and the learned A.P.P. appearing for the State have vehemently opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, going through the materials available on records and upon perusal of the case diary, this Court finds that the main thrust of allegation with regard to the alleged crime is against the co-accused persons namely Pappu Kumar and Rahul Kumar whereas the petitioner happens to be father of one of the co-accused Pappu Kumar and during the course of investigation though the witnesses have named the said co-accused persons namely Pappu Kumar and Rahul Kumar to be the persons who had kidnapped the minor victim girl along with the help of two other co-accused persons, however, the name of the petitioner



has not been taken by the witnesses examined during the course of investigation by the police, hence prima facie miniscule evidence has transpired, as far as the petitioner is concerned, regarding his complicity in the alleged crime. Moreover, this Court finds that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 06.01.2020 passed in Cr. Misc. No. 73291 of 2019.

Having regard to the facts and circumstances of the case, considering the parity of the case of the petitioner with that of co-accused person, who has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court as also taking into account the fact that the main thrust of allegation, with regard to the alleged crime, is not against the petitioner herein, I deem it fit and proper to grant bail to the petitioner.

Accordingly, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Rajepur P.S. Case No. 19 of 2018.

(Mohit Kumar Shah, J)

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