

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35438 of 2020

Arising Out of PS. Case No.-4 Year-2017 Thana- RAGHOPUR District- Vaishali

RAMBABU RAI Son of Late Jailal Rai Resident of Village- Kauva Darba,
P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-12-2020 Heard Mr. Shanti Bhushan Singh, learned counsel
for the petitioner and Mr. Rajesh Kumar, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Raghopur PS Case No. 04/2017 registered for the offence
punishable under Sections 364, 365/34 of the IPC.

3. The allegation, as per First Information Report, is
that in the night at about 1:30 AM, when the two younger
brothers of informant were sleeping at their tea shop, a white
coloured Bolero Vehicle in which eight persons were sitting,
arrived at the shop and on the point of pistol, all the accused
persons named in the FIR forcibly kidnapped one of the brothers
of informant namely, Mukesh Kumar and took him away on the
said vehicle. It is further alleged by the informant that his



brother has been kidnapped by the accused persons with an intention to kill him.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to oblique motive, inasmuch as, nephew (Bhagina) of the petitioner had also lodged a case bearing Khusrupur PS Case No. 97/2012 registered under Sections 341, 323, 324, 448, 302, 380, 427, 435, 307, 34 IPC against the victim and his father in which the petitioner is one of the witnesses and the present FIR has been lodged in order to put pressure on the petitioner not to depose in the aforesaid case on behalf of the prosecution.

5. Learned counsel further submits that from perusal of the statement of the victim recorded under Section 164 CrPC (Annexure-3), it would be evident that the victim has taken the name of the petitioner along with others who kidnapped him and on the next day, the accused persons, allegedly, threw the victim on the road and then the victim was taken to the police station by the morning workers. Learned counsel next submits that the petitioner is in custody since 14.08.2020 having no criminal antecedents.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and



the fact that the petitioner is in custody since 14.08.2020 having no criminal antecedents, I am inclined to grant regular bail to the petitioner.

7. Accordingly, let the petitioner, RAMBABU RAI 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- 4th, Vaishali at Hajipur in connection with Raghapur PS Case No. 04/2017.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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