

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63667 of 2019

Arising Out of PS. Case No.-37 Year-2013 Thana- RIGA District- Sitamarhi

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RAM BABU RAI @ RAM BABU PATEL @ RAM BABU RAUT Son of
Suraj Rai Resident of Village - Bulakipur, P.S.- Riga, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-03-2020 Heard both sides.

The petitioner seeks bail in Riga P.S. Case No.37 of 2013 registered under Sections 364 and 307 of the Indian Penal Code.

The informant filed Complaint Case No.2151 of 2012 on the basis of which the present F.I.R. was lodged. The informant alleged that on 19.07.2008, Suraj Rai, Satyendra Rai and Ram Snehi Devi kidnapped his daughter for which he lodged Riga P.S. Case No.111 of 2008. The police recovered the daughter of the informant and took her statement under Section 164 Cr.P.C. His daughter solemnised marriage with Ram Babu Rai. The informant further alleged that since Ram Babu Rai was married man, he started hatching of conspiracy. Ram Babu Rai took his daughter and subjected her to all sorts of torture due to



non-fulfillment of demand of dowry. Later on, his daughter became traceless.

The learned counsel for the petitioner submits that victim made her statement under Section 164 Cr.P.C. and she categorically stated that she voluntarily married with Ram Babu Rai in the year 2008 but Ram Babu Rai brought her to Delhi along with Satyendra Rai and Suraj Rai. Ram Snehi Devi was also accompanied her. Ram Babu Rai firstly sold her to Gulshan on payment of Rs.2.5 lacs. After one month, Gulshan sold her to Pradip Mallik. She remained with Pradip Mallik as his wife but Pradip Mallik also died of Cancer. She is living as a widow in the house of Pradip Mallik. The victim made her statement on 26.03.2018. It is submitted that it has nowhere come that the victim made any protest either living with Gulshan or Pradip Mallik. The victim was said to have been taken to Delhi in the year 2008-09 itself but she lived for about 10 years with Pradip Mallik. Petitioner never kidnapped the victim nor took any step for killing her. Petitioner is in jail since 03.03.2019.

Learned A.P.P. opposed the prayer for bail and submitted that most of the witnesses have supported the prosecution case.

It appears that informant himself stated that Satyendra



Rai and others firstly kidnapped his daughter in the year 2008. Thereafter, his daughter made her statement under Section 164 Cr.P.C. and she solemnized marriage with the petitioner. The victim went along with Ram Babu Rai but she alleged that Ram Babu Rai sold her to Gulshan but she never raised any protest while she was living with Gulshan who later on also alleged to have sold the victim to Pradip Mallik and victim remained with Pradip Mallik for years and gave birth to children but she never raised any protest at any point of time.

Considering the facts aforesaid and the fact that petitioner has remained in jail for a year, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No.37 of 2013.

(Prabhat Kumar Jha, J)

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