

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32788 of 2021**

Arising Out of PS. Case No.-72 Year-2020 Thana- PATORI District- Samastipur

Rajesh Kumar, S/O Ramchandra Rai R/O Village-Hetanpur (uttari) Dhamoun,
P.S-Patori, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pramod Mishra
For the Opposite Party/s :	Mr. Bijay Bhushan Prasad
	Mr/s. Sadhna Suman
	Mr. Md. Nazir Ansari

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 29-11-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Patori
(Mohanpur) P. S. Case No.72 of 2020, instituted for the offences
under Section 365/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 10.03.2021 and he is a person with
clean antecedent, he is an Army man and charge-sheet has been
submitted in this case.

The learned counsel for the petitioner further submits
that from perusal of the allegation as alleged in the F.I.R., it
would manifest that the informant alleges that the petitioner
along with Manoj Kumar Rai @ Manoj Kumar kidnapped the



son of the informant, who is an Army man and got him married to daughter of Manoj Kumar Rai after kidnapping the victim and intoxicated him.

The learned counsel for the petitioner submits that petitioner is an Army man and is known to the victim. Further the victim was in love with the daughter of Manoj Kumr Rai and got married, but out of fear that family will not accept the marriage, did not own up before the informant that he was in love with the daughter of Manoj Kumar Rai and the case came to be instituted.

Learned counsel for the further submits that the date of alleged kidnapping is 07.03.2020 and the F.I.R. has been instituted on 09.03.2020, after a delay of two days without any proper explanation that in itself shows that either negotiation between the informant and his son and Manoj Kumar Rai including the petitioner was going on or when the victim refused then the informant instituted the present case.

Learned counsel for the informant along with learned A.P.P. vehemently opposes the bail application and submits that this petitioner took money from Manoj Kumar Rai on the pretext that he will get the victim married to his daughter and thereafter he planned for kidnapping along with Manoj Kumar



Rai and called the victim to his place and intoxicated him and thereafter got her forcibly married to the daughter of Manoj Kumar Rai.

Learned counsel for the petitioner further submits that Manoj Kumar Rai has been granted bail by order dated 25.03.2021 in Cr. Misc. No.37343 of 2020.

Considering the fact that the petitioner is in custody since 10.03.2021 and he is a person with clean antecedent, he is an Army man and charge-sheet has been submitted in this case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-V-cum-A.C.J.M.-II, Samastipur in connection with Patori (Mohanpur) P. S. Case No.72 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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