

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28041 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- CHANAN District- Lakhisarai

Raj Kumar Ray, (Male), aged about 29 years, S/o Mahesh Ray, R/o Village-
Itaun, P.S.- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-01-2021

Heard Mr. Manoj Kumar, learned counsel for the petitioner and Mr. Abhay Kumar Roy, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Chanan PS Case No. 84 of 2019 dated 03.06.2019, instituted under Sections 363/366A/34 of the Indian Penal Code to which later on Sections 4/8 of The Protection of Children from Sexual Offences Act, 2012 were also added.

3. The allegation against the petitioner is that he along with others had kidnapped the minor sister of the informant and specifically his role has been assigned as the person who had gagged the mouth of the victim to prevent her from raising alarm.



4. Learned counsel for the petitioner submitted that it is a case of love affair between the girl and his younger brother and the petitioner has been falsely implicated in the case. It was submitted that the FIR itself was lodged after three days which also indicates that the informant, who is the brother of the girl, and his family members were aware of such fact and had tried to bring the girl back, but having failed, the case was lodged. Learned counsel submitted that the girl herself came back to Lakhisarai from where the police took her and got her statement recorded before the Court under Section 164 of the Code of Criminal Procedure, 1973. It was submitted that in the same she had not even whispered about the petitioner. Learned counsel submitted that even that statement is under influence of the informant and his family members. Learned counsel submitted that though there is another case against the petitioner, but that was lodged by the family members of his wife, but now they have married and are living together.

5. Learned APP submitted that the informant has stated that the petitioner was trying to cover the mouth of the girl to prevent her from raising alarm and, thus, he also has a role in the abduction. However, he did not controvert the fact that even the name of the petitioner has not been taken by the girl in her



statement before the Court.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st-cum-Special Judge, Lakhisarai in Chanan PS Case No. 84 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, one of the bailors shall be a close relative of the petitioner. The petitioner shall cooperate in the case. Failure to do so, shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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