

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43665 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- GORAUL District- Vaishali

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RAJU RAI @ RAHUL @ RAJU KUMAR S/O UMAN RAY Resident of
village- Saidpur Dumar, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashish Kumar Ranjan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 364(a) and 34 of the Indian Penal Code.

The informant alleges that on 19.04.2022 at 1:00 pm, his grandson was playing outside the house when two miscreants came at his door on pulsar motorcycle and forcibly kidnapped his grandson.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and from perusal of the allegations as alleged in the F.I.R. it would manifest that informant is not an eyewitness to the occurrence and the F.I.R. was against unknown, it is next submitted that the victim boy,



who is aged about seven years, has come back home and his statement was recorded under Section 164 Cr.P.C. (Annexure '2' to the anticipatory bail application) and from perusal of the same, it would manifest that the victim has stated that he recognized one of the two accused but does not name him, he also stated that they made him roam on the bike for three-four hours and when he said that he wants to go back home, they left him behind his house. Learned counsel further submits that from the statement of the minor victim it would manifest that the moment he said that he wants to go back home, he was dropped behind his house which amply demonstrates that it was not a case of kidnapping. It is next submitted that during the course of investigation one Chhote Lal Bhagat was arrested who was made to confess his guilt in the crime and he confessed that in the occurrence, he was assisted by Rahul Kumar, son of Ganesh Paswan and he also confessed that this petitioner acted as an accomplice, learned counsel thus submits that from the tenor of the statement of the minor recorded under Section 164 Cr.P.C. it manifests that it was not a case of kidnapping or else the kidnapper would not have dropped the victim back on his mere asking.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Goraul (Katahara O.P.) P.S. Case No. 172 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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