

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.66095 of 2021

Arising Out of PS. Case No.-70 Year-2011 Thana- BIDUPUR District- Vaishali

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Manjaylal Ray @ Manjay Ray Son of Ram Pravesh Rai R/o Village-
Majhauli, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey

For the Opposite Party/s : Mr. Ramchandra Sahni

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

6 30-11-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bidupur
P.S. Case No. 70 of 2011, registered for the offences



punishable under Sections 366/34, 364(a)/302/34 of the Indian Penal Code.

The prosecution case as emerging from the complaint and Case Diary is that one married lady, namely, Nitu Kumari, was taken away by the accused-petitioner alongwith another co-accused, Kanhaiyalal Yadav on the pretext of illness of the mother of Nitu Kumari. It is further alleged that they had illicit relationship with the victim since prior to her marriage. However, it came to the knowledge of the informant that the mother of Nitu Kumari was not ill and illness of her mother was only a pretext to take her away and after three years of this incident, she was found dead in Delhi. As per the post-mortem report, death was caused by asphyxia as a result of ante-mortem hanging.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that investigation in this case is complete and charge-sheet has been submitted and even after completion of investigation, there is no material available on record to show what happened during the period



from abduction/elopement of the victim till her death. He has been languishing in jail since 08.04.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, Ld. Counsel for the Informant and Ld APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature and they are named accused and had illicit relationship with the victim prior to her marriage.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Vaishali at Hazipur in connection with Bidupur P.S. Case No. 70 of 2011 on the following conditions:

- (i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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