

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30774 of 2023

Arising Out of PS. Case No.-100 Year-2020 Thana- GOPALPUR District- Patna

NITISH KUMAR RAY @ NITISH KUMAR RAI SON OF SAJIVAN RAY
R/O-KARNPURA WARD NO. 39, NAGARPALIKA, P.S.-HAJIPUR,
DISTT.-VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Sinha

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Gopalpur P.S. Case No. 100 of 2020 registered for the offence punishable under Section 363, 365, 120B of the Indian Penal Code and Sections 10, 11 of the Prevention of Child Marriage Act, 2006.

3. The allegation is regarding the minor boy of the informant having been kidnapped, whereafter his marriage was forcibly solemnized with the daughter of one Moti Rai and ultimately, the victim boy is stated to have been recovered from the house of the said Moti Rai and his father, namely, Shobit Rai.



4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is brother-in-law of the main accused person, namely, Moti Rai and he is not having any complicity in the matter, especially, on account of the fact that the victim boy has not been recovered from the house of the petitioner, but from the house of the said Moti Rai and Shobit Rai.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that a bare perusal of the FIR would show that no specific allegation of kidnapping the victim boy has been levelled against the petitioner herein, apart from the fact that the petitioner happens to be the brother-in-law of the main accused person, namely, Moti Rai, from whose house, the victim boy was recovered, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on



anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM IX, Patna, in connection with Gopalpur P.S.Case No. 100 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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