

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33448 of 2023

Arising Out of PS. Case No.-229 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

MOTI RAY SON OF LATE SUKHDEO RAY VILLAGE- JADHUA,
GARDANIYA CHOCK, PS- HAJIPUR TOWN, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Hajipur Sadar P.S. Case No.229 of 2021 registered for the offence under Sections 364 and 365/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 15.03.2023.

The allegation against the petitioner is to kidnap the husband of informant along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely with present case for the reason as wife of this petitioner lodged a case against informant as Hajipur Sadar P.S. Case No. 68 of 2021 on 24.01.2021 and just to counter to that the present false



implication was raised for a prior date of occurrence, where, it is appearing that FIR was lodged after passing 04 months, without having any just explanation. It is submitted that several litigation arises out of land disputes are pending between the parties, where, petitioner possessed a piece of land in terms of a direction of Court order, which is main issue of litigation and enmities between the parties. It is submitted that similarly situated co-accused persons, namely, Santosh Ray and Bhikhari Rai, who are none, but sons of the petitioner have already granted bail by learned co-ordinate Benches of this Court through Cr. Misc. No. 5355 of 2022 dated 11.10.2022 and Cr. Misc. No. 73128 of 2022 dated 06.04.2023, respectively. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the present FIR was lodged after about 4 months of the occurrence, where, enmities in terms of land dispute is admitted coupled with the fact that charge-sheet has already



submitted, where, petitioner is in custody since 15.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No.229 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Vaishali at Hajipur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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