

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38672 of 2023

Arising Out of PS. Case No.-64 Year-2018 Thana- JALALPUR District- Saran

Rakesh Ray, S/o Bimal Ray R/O Village. Chausa, PS. Panapur, Dist. Saran At
Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-07-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Jalalpur P.S. Case no. 64 of 2018 registered under sections 366, 494 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that Arti Devi and Barahan Rai who had come and stayed at the house of the informant, took away his wife as also Rs. 40,000/- in cash. The informant is convinced that Barahan Rai has taken away his wife with the assistance of Arti Devi for the purpose of marriage.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. So far as the petitioner is concerned, he is not even named in the F.I.R. His name transpired in course of investigation after an



inordinate delay of 35 days and a tutored statement under section 164 Cr.P.C. has been given by the wife of the informant who has returned. No case under section 366 of the Indian Penal Code is made out and the petitioner undertakes to cooperate in the case. He has no criminal antecedent.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the materials on record including the contents of the order of the learned Sessions Judge rejecting the prayer for anticipatory bail of the petitioner from which it transpires that the victim wife of the informant was recovered and in her statement under section 164 Cr.P.C, she has made direct allegation against this petitioner of having taken her away to Kolkata and of having committed rape on her together with the fact that the instant case was registered more than 5 years back on 15.4.2018, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the Court below within a period of four weeks.

(Partha Sarthy, J)

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