

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39738 of 2022

Arising Out of PS. Case No.-310 Year-2020 Thana- VAISHALI District- Vaishali

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UJJAWAL KUMAR RAI Son of Kamleshwar Rai Resident of Village -
Mubarakpur, P.S.- Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 14-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Vaishali P.S. Case No. 310 of 2020 registered for the offences punishable under Sections 363 and 365/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner along with other co-accused persons kidnapped her two daughters (victims) when they went to learn sewing. It is further alleged that the associates of these named persons



threatened the informant to face dire consequences if she would inform the police.

The main submissions advanced by petitioner's counsel are that as per the FIR, two victims namely 'X' and 'Y' are stated to have been kidnapped and both have been recovered and they recorded their statements before the Judicial Magistrate, in which the victim 'X' have not supported the allegation made in the FIR though the second victim 'Y' has made allegation against the petitioner, which shows a serious contradiction in between the statements of both the victims, in fact the victim 'Y' left her parental house on her own will and solemnized marriage with this petitioner and thereafter both swore in their joint affidavit, in which the said victim disclosed her age as 19 years and accepted her love affair with this petitioner and also accepted her matrimonial relationship with the petitioner. Further submission is that the petitioner has fair and clean antecedent and has been languishing in jail since 21.04.2022 and against him the investigation has been completed.

Learned APP appearing for the State has opposed the bail prayer.

Considering the above submissions and mainly the



petitioner's young age mentioned in the petition and his custody period and also the fact that in the instant matter, two girls are stated to have been victims and both have been recovered and recorded their statements before Judicial Magistrate, in which they have narrated different stories and made statements contradictory to each other as well as to the allegations of the FIR, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Vaishali P.S. Case No. 310 of 2020.

(Shailendra Singh, J)

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