

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.60180 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- JANDAHA District- Vaishali

RAJEEV KUMAR RAJ @ RAJEEV RAI S/o Nandu Rai R/V- Chaksahbali
Kalyani Chowk, P.S.- Jandaha Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

4 08-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

In pursuance to the earlier order of this Court dated 25.01.2023, the Superintendent of Police, Vaishali vide letter dated 04.02.2023 has furnished the statement of the victim lady recorded under Section 164 Cr.P.C. before the learned Magistrate.

The petitioner seeks regular bail in connection with Jandaha P.S. Case No. 03 of 2022 registered for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

The allegation is regarding the wife of the informant having went somewhere along with her two daughters without any information to the informant and subsequently upon search, they could not be traced.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 27.06.2022. The learned counsel for the petitioner has further submitted that the petitioner has got no complicity in the matter as would be evident from the statement of the victim lady recorded under Section 164 Cr.P.C. before the learned Magistrate.

Per contra, the learned A.P.P. for the State has referred to the statement of the victim lady made under Section 164 Cr.P.C., before the learned Magistrate, wherein it has been stated by the victim lady that her husband used to assault her regularly, used to drink a lot and for the said purpose he had sold all his land, hence she along with her children had fled away in order to escape from the bad behaviour of her husband, whereafter she had gone to Hajipur and there she was living peacefully and was working as a domestic help for her livelihood. The victim lady has also stated in her statement that she apprehends that she can



be killed by her husband.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also taking into account the statement made by the victim lady under Section 164 Cr.P.C. before the learned Magistrate, this Court finds that the petitioner is having no complicity in the matter, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Jandaha P.S. Case No. 03 of 2022.

(Mohit Kumar Shah, J)

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