

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4302 of 2024

Arising Out of PS. Case No.-289 Year-2023 Thana- PATEPUR District- Vaishali

Bhushan Ray @ Brajbhushan Prasad Son of Late Lakhindra Ray R/o vill -
Repura, P.S. - Patepur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 365 and 34 of the Indian Penal Code.

3. The prosecution case in brief is that the informant's grand son namely Gautam Kumar is a teacher in Repura Middle School and on 29.11.2023 while his grand son was teaching the students in school, all the accused persons named in FIR including this petitioner have abducted his grand son from that school by bolero vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted from



para-10 of this petition that petitioner has no good relation with his brother, his brother is owner of two brick kiln and petitioner's brother under planning with some brick kiln labourer and with his relation made a plan to abduct Gautam Kumar for marriage of his daughter because he is a Govt. teacher, when he came to knowledge that his elder brother talks with grandfather of Gautam Kumar for marriage of his daughter. The statement of the victim was recorded under Sections 161 and 164 of the Cr.P.C. wherein he clearly stated that co-accused Rajesh Rai and his men abducted him for the purpose of marriage of his daughter with Gautam Kumar. Nothing specific allegation has been levelled against the petitioner only because he is brother of co-accused Rajesh Rai, he has been dragged in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 02.12.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the



petitioner on bail. The above named petitioner is directed to be released on bail in connection with Patepur P.S. Case No. 289 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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