

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10889 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- MAHUA District- Vaishali

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Raju Rai @ Raju Ray S/O Nageshwar Rai Resident of Village-Chak Maheshi,
P.S.-Maniyari, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 24-06-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Mahua
P.S. Case No. 159 of 2023 instituted for the offences under
Sections 363, 365, 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of being involved in kidnapping of the Informant's
minor daughter. It is alleged that when the Informant
approached to Raju Rai/petitioner and made query then the
accused/petitioner replied to the Informant that his son has
rightly done this and told to the Informant to do whatever he
wants to do.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that there is no allegation kidnapping against the petitioner rather it has been levelled against his son/Sachin Kumar and five others. The petitioner has no role in the alleged occurrence. There is not an iota of evidence in the entire record against the present petitioner of being involved in the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 14.03.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that this is a case of kidnapping the minor daughter of the Informant.

6. From the report of the Superintendent of Police, Vaishali dated 03.05.2024, it appears that the kidnapped girl of the Informant has been recovered and the son of the petitioner Sachin Kumar has been sent to judicial custody. The medical examination of the victim girl was done in which the doctor declared that the victim girl was three and half months pregnant. It has also been mentioned that the statement of the victim girl under Section 164 Cr.P.C. was made and is being preserved in



the records of the court below. In the statement of the victim girl under Section 161 Cr.P.C., she has stated about love affair with Sachin, got married in the temple and being four months pregnant. It is also mentioned that the charge-sheet has been submitted against the son of the petitioner under Section 363, 366(A), 376/34 of the I.P.C., Section 4 of the POCSO Act and Section 9 of the Child Marriage Protection Act.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and keeping in view that the main allegation of kidnapping is against the son of the petitioner, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahua P.S. Case No. 159 of 2023.

(Rudra Prakash Mishra, J)

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