

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12448 of 2024

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

Rakesh Rai, Son of Vimal Rai, Resident of Village-Chausa, P.S.-Panapur,
District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail 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 Aarti Devi and Baharan 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 Baharan Rai has taken away his wife with the assistance of Aarti Devi for the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. He was falsely implicated in



the case in course of investigation. The alleged occurrence having taken place on 11.3.2018, the matter was reported to the police only on 15.4.2018 and the FIR was registered after a delay of about 35 days. It was the victim who was having an affair with the FIR named accused namely Baharan Rai and it is just to save the said accused that the petitioner has been falsely implication in the case by the victim in her statement under section 164 of the Cr.P.C. The petitioner is in custody since 17.10.2023. He has no criminal antecedent and charge-sheet has been submitted in the case. It is lastly submitted that the FIR named accused Aarti Devi has been enlarged on bail vide order dated 2.7.2018 passed in Cr. Misc. no. 37700 of 2018.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired against the petitioner in course of investigation including the statement of victim recorded under section 164 of the Cr.P.C. wherein she has made allegations of rape against this petitioner together with the petitioner having absconded for nearly 5 years before he was taken into custody on 17.10.2023, the Court is not inclined to enlarge the petitioner



on bail and the application is rejected.

7. Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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