

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25479 of 2024

Arising Out of PS. Case No.-143 Year-2023 Thana- BALIGAON District- Vaishali

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Raja Kumar Son of Sanjit Ray @ Sanjit Rai Resident of village Baligaon
police Station Baligaon District Vashali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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

ORAL ORDER

4 09-08-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Baligaon P.S. Case No.
143 of 2023, instituted for the offences punishable under
Sections 363, 365 & 34 of the Indian Penal Code. Subsequently,
Section 302 of the Indian Penal Code was added.

3. The prosecution case, in short, is that, on
07.10.2023, daughter of the informant aged about 18 years was
missing and he has apprehension that his daughter has been
abducted by the petitioner and other co-accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case only on the basis of suspicion. It is submitted that



there is no eye witness to the alleged occurrence. It is next submitted that victim has died and her dead body was recovered from the bank of the pond on 08.10.2023. Learned counsel for the petitioner also submits that during the course of investigation, no specific allegation has been attributed to the petitioner. Referring to the postmortem report, it is submitted that cause of death is stated to be asphyxia due to drowning in water. The petitioner is in custody since 09.10.2023 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 13848 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that from perusal of paragraph Nos. 2, 6, 7, 8, & 97 of the case diary, it would reveal that informant and other witnesses have supported the prosecution case. Referring to paragraph No. 25 of the case diary, it is submitted that dead body of the victim has been recovered from the bank of the pond.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner, there being no direct involvement of the



petitioner even in the case diary and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baligaon P.S. Case No. 143 of 2023.

(Rudra Prakash Mishra, J)

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