

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38646 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- KARAKAT District- Rohtas

Ajay Giri @ Ajay Bharti @ Ajay Gosai Son of Chandra Devi Giri Resident of village - Sarwanand Dihari, Police Station - Karakat, District - Rohtas.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Arvind Pandey, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Karakat P.S. Case No. 174 of 2024 registered on 28.03.2024 for the alleged offences under Section 365 & 366 of the Indian Penal Code.

03. As per prosecution case, the informant alleged that the petitioner enticed away his wife who thereafter did not return.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case with completely fabricated and concocted story. According to the F.I.R., the date of occurrence is 11.02.2024 whereas the F.I.R. has been registered on 28.03.2024 and there is no satisfactory explanation for the said delay in lodging the F.I.R. From the facts

of the F.I.R. it is also apparent that the wife of informant went on her own and for this reason there could be no offence under Section 365 and 366 of the Indian Penal Code against the petitioner. Petitioner has no concern with the wife of the informant and the prosecution story does not appear to be believable. The informant has named one Nitish Kumar in support of his story but when statement of Nitish Kumar was recorded he stated that the wife of the informant went on her own and he has not named the petitioner for his involvement. Learned counsel further submits that petitioner being a social worker opposes the illegal acts of the informant who used to indulge in the business of illicit liquor and for this reason it appears that the informant has himself confined his wife somewhere and has falsely implicated the petitioner. The petitioner has not criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the distinct lack of substantive material against the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/-

(Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned A.C.J.M., Bikramganj, Rohtas in connection with Karakat P.S. Case No. 174 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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