

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44342 of 2024

Arising Out of PS. Case No.-25 Year-2010 Thana- SAKRA District- Muzaffarpur

Manjay Rai @ Manjay Ray Son of Late Baidhnath Rai @ Baidyanath Rai
Resident of Village- Bishunpur Gidha @ Vishunpur Giddha @ Vishnupur
Gidha, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.

For the Opposite Party/s : Ms.Asha Devi, APP

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

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sakra
P.S. Case No. 25 of 2010 instituted for the offences under
Sections 363, 366(A) of the Indian Penal Code.

3. As per written complaint filed by the Informant, his
minor daughter aged about 14 years, had gone to school with
her friend by bicycle on 18.01.2010 but, did not return. In this
regard, the Informant also registered Sanha before the Sakra
police station. Later on, on 21.01.2010, he came to know that
the petitioner has kidnapped both the girls by way of
inducement.

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. Learned counsel for the petitioner further submits that the date of occurrence is 18.01.2010 but, the F.I.R. was lodged on 21.01.2010 i.e. after three days of the occurrence and, that too, without any plausible explanation for the same. He, referring to Para-119 of the case diary, submits that the daughter of the Informant has been recovered and her statement under Section 164 Cr.P.C. has also been recorded. He further submits that there was a love affair between the friend of the daughter of the Informant and the accused petitioner and she has also solemnized marriage with the petitioner at Chhapra. He further submits that in the statement 164 Cr.P.C., the friend of the daughter of the Informant has also stated that she wanted to marry with the petitioner and so, she fled away on her own free will and thereafter, solemnized marriage with the petitioner. In the 164 Cr.P.C. statement, she has also not made any allegation against the petitioner. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 05.03.2024 without any rhyme or reason. The Investigation Officer, after completion of investigation, has submitted supplementary charge-sheet against the petitioner and



co-accused Deo Narayan Rai on 26.04.2024.

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 the nature of offence as alleged against the petitioner is serious and, hence, he does not deserve bail.

6. From the impugned order, it appears that the daughter of the Informant has supported the prosecution case and, in her statement, she has made specific allegation of rape against the co-accused Deo Narayan Rai. So far as the present petitioner is concerned, he has already solemnized marriage with the friend of the daughter of the Informant and, as of now, has also four children out of their wedlock.

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 statement of the friend of the daughter of the Informant made under Section 164 Cr.P.C., 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 Sakra P.S. Case No. 25 of 2010, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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