

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48256 of 2024

Arising Out of PS. Case No.-365 Year-2022 Thana- RIVILGANJ District- Saran

Gautam Ray Son of Late Rajgrihi Ray Village- Mainpura ke Tola Police
Station -Revilganj District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Rivilganj P.S. Case No. 365 of 2022,
registered for the offence punishable under Sections 366(A)/34
of the Indian Penal Code.

3. The allegation against the petitioner is of giving
patronage to co-accused *Ajay Kumar Ray*, who happens to be
his nephew and enticed away the minor daughter of the
informant for the purposes of marriage.

4. Learned Advocate for the petitioner contended that
the narratives made in the FIR clearly suggest that the
occurrence took place on 22.10.2022, but the present FIR has
been instituted on 27.10.2022, without there being any
explanation for delay. It is further contended that the entire



allegation revolves around co-accused *Ajay Kumar Ray*. However, when the victim girl was apprehended and her statement was recorded, she has *inter alia* stated that it is the petitioner and his wife, on whose instigation, the co-accused enticed her away. However, there is no allegation of any overt act against the petitioner. Learned Advocate for the petitioner contended that only on account of the petitioner being elder uncle of the co-accused *Ajay Kumar Ray*, his name has been implicated in this case without there being any material.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the victim has specifically alleged that it is the petitioner, who persuaded the co-accused *Ajay Kumar Ray* to commit such crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the statement of the victim recorded under Section 164 of the Cr.P.C., coupled with the fact that the petitioner happens to be uncle of the co-accused *Ajay Kumar Ray*, having fair antecedent, moreover, the investigation of the crime is complete, let the petitioner, named above, 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 learned



Judicial Magistrate 1st Class, Saran at Chapra in connection with Rivilganj P.S. Case No. 365 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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