

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53015 of 2024

Arising Out of PS. Case No.-357 Year-2022 Thana- SARAI District- Vaishali

AKHILESH RAI SON OF SUNIL RAI R/O- RAGHOPUR, P.S.-
RAGHOPUR, DISTT.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 363, 365 of the Indian Penal Code.

3. Allegedly, the petitioner along with other co-accused persons are said to have kidnapped the sister of the informant on gun point.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is no specific overt



act against the petitioner. He has been made accused in this case merely on the basis that he is brother of co-accused Chintu Kumar, with whom the sister of the informant has solemnized marriage without the consent of the family. It is further submitted that both co-accused Chintu Kumar and victim have been living happily and from the wedlock, the victim has been blessed with a baby, for which, the birth certificate has been enclosed at Annexure-2 of the bail petition. Learned counsel further submits that the similarly situated co-accused persons have been enlarged on bail by this court vide order dated 09.01.2024 passed in Cr. Misc. No. 83615 of 2023. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation against the petitioner to be involved in kidnapping of the minor sister of the informant. Hence, he does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sarai P.S. Case No. 357 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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