

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65942 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- BASANTPUR District- Siwan

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Raj Kumar Ray S/O- Late Dharmanath Ray Village- Karhi Khurd PS-
Basantpur Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 27-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Basantpur P.S. Case No. 171 of 2023 dated 02.05.2023, lodged
under Sections 363, 366 and 504 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against the petitioner and unknown accused persons with
allegation of kidnapping the daughter of the informant with a
view to marry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the same informant has filed three criminal cases
against the petitioner individually or against other family

members with same allegation of kidnapping. The first case he has filed bearing Basantpur P.S. Case No. 266 of 2021 dated 01.07.2021, the second case bearing Bhagwanpur Hat P.S. Case No. 228 of 2021 dated 17.10.2021 and the third case bearing Basantpur P.S. Case No. 171 of 2023 dated 02.05.2023 with same allegation. In all the three cases, the victim has been recovered. In one case, *i.e.* Bhagwanpur Hat P.S. Case No. 228 of 2021, victim has disclosed her statement under Section 164 of the Cr.P.C. which is annexed in the present petition as Annexure- 2 in which she has disclosed the entire material facts and Court has ascertained her age as 18 years.

5. Learned counsel for the petitioner further submits that in the present case, the victim whose age was ascertained as 18 years has been shown as minor and filed the present case. He further submits that the petitioner is in custody since 03.05.2023 having two criminal antecedents in which charge sheet has already been filed. These are the cases filed by the same informant with same allegations.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above

named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- Xth, Siwan in connection with Basantpur P.S. Case No. 171 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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