

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65467 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- GARKHA District- Saran

MANOJ RAY SON OF LATE BHAWANI RAY RESIDENT OF VILLAGE-
BANGRA BARGI TOLA, PS- GARKHA, DISTT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

21 12-01-2024 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 under Sections 363, 366 (A), 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that, prior to the present occurrence, petitioner along with other accused persons had kidnapped the informant's minor daughter and subsequently, they got her statement under Section 164 Cr.P.C. recorded in their favour by persuading her daughter and for the above occurrence, the informant had filed Garkha P.S. Case No. 47 of 2022 against the petitioner and other co-accused persons. On 28.02.2022, the informant brought her daughter from Garkha P.S. and thereafter, her daughter narrated the informant



everything regarding the alleged occurrence. But, after some time, on 03.03.2022, all the accused persons including the petitioner again kidnapped her minor daughter and on being asked, they used to threat with dire consequence saying that they would get her daughter married.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took 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. Prior to the present, the informant had also filed Garkha P.S. Case No. 47 of 2022 for kidnapping of her minor daughter in which she was recovered and in her statement under Section 164 Cr.P.C., she has not supported the prosecution case and stated that she left her house voluntarily and went at the house of her relative. It is further stated that prior to the present case, co-accused Madhuri Devi, who is *Bhabhi* of the petitioner has lodged a case i.e. Garkha P.S. Case no. 375 of 2023 against the informant and only with a view to save her skin in that case, the informant has lodged this false case against the petitioner and other co-accused persons. Petitioner has one criminal antecedent as mentioned in para-3



of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as from perusal of the record, it is evident that 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 Garkha P.S. Case No. 260 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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