

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74830 of 2023

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

Triloki Rai, Male aged about 59 years, Son of Late Bhawani Rai, Resident of Village- Bangra Bargi Tola, P.S.- Garkha, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Garkha PS Case No. 260 of 2022 instituted for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner along with other accused persons had kidnapped the informant's minor daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent has committed no offence and has falsely been implicated in this case merely on the basis of dirty village politics. He further submits that the victim was not kidnapped, rather she went to the house of her *Bua*, because the informant



was going to solemnized her marriage with a drunken person. The occurrence took place on 03.03.2022, however, the present FIR was instituted on 02.05.2022, after a delay of about two months and no explanation for such delay has been given in this regard.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, statement of the victim recorded under Section 164 of the Cr.P.C. and impugned order of the learned Sessions Judge, Saran at Chapra dated 04.09.2023, it appears that petitioner is named in the FIR. From perusal of the statement of the victim recorded under Section 164 of the 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. During the course of investigation, no material has come showing his complicity. Perusal of Annexures-2 and 3, it appears that victim had never been kidnapped rather she went to the house of her aunt because the informant was pressurizing to solemnize her marriage with a drunken person. Similarly situated co-accused persons namely Manoj Ray and Madhuri Devi have also been granted bail by a co-ordinate Benches of this Court in Cr. Misc. Nos. 65467 of 2023 and 69702 of 2023 vide orders dated 12.01.2024 and



07.11.2023, respectively. Petitioner is in custody since 26.07.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Judicial Magistrate, Saran at Chapra in connection with Garkha PS Case No. 260 of 2022.

(Ramesh Chand Malviya, J)

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