

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77960 of 2023

Arising Out of PS. Case No.-65 Year-2021 Thana- MINAPUR District- Muzaffarpur

Shashi Rai @ Shashi Kumar S/O Ramautar Ray @ Lal Mohan Ray Village-
Belahi Lachhi Tole, Bankul, Ps. Minapur, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has earlier moved before this

Court with a prayer for anticipatory bail which was rejected

vide order dated 06.04.2023 passed in Cr. Misc. No. 72278

of 2022.

3. The petitioner seeks bail in connection with

Minapur P.S. Case No. 65 of 2021 instituted for the

offences under Sections 379, 363, 366 of the Indian Penal

Code.

4. As per prosecution case, the accused persons

including the present petitioner forcibly kidnapped the wife



of the Informant. It is further alleged that they also committed theft of ornaments and cash.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to village politics. He has further submitted that the date of occurrence is 27.02.2021 but, the F.I.R. was instituted on 03.03.2021 and, thus, there is a delay of five days which creates a great doubt in the prosecution case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from this house and, therefore, no case under Section 379 I.P.C. is made out against the petitioner. The Informant is not the eye-witness to the alleged occurrence. There is an admitted land dispute between the parties. The victim girl in her statement made under Section 164 Cr.P.C. has taken the name of accused Puja Kumari but, in the *fardbeyan*, the Informant has specifically alleged the allegation on accused Puja Kumari and, thus, the *fardbeyan* and the 164 statement of the victim are contradictory. He has further stated that



from the F.I.R., it appears that there is a love affairs with Shashi Ray (petitioner) and, thus, Section 363 and 366 I.P.C. is not made out. The petitioner has further referred paras- 56 & 57 of the case diary wherein the witnesses have supported the fact regarding love affairs. The allegation made against the petitioner is general and omnibus in nature and there is not a single independent witness to support the prosecution story. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 25.08.2023. Charge-sheet has been submitted in this case.

6. Learned counsel for the petitioner again submits that the co-accused persons namely Rani Devi, Puja Kumari and Shashi Rai @ Shashi Kumar have been granted bail by a Co-ordinate Bench of this Court vide order dated 06.04.2023 passed in Cr. Misc. No. 72278 of 2022.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner submitting that the victim lady in her statement under



Section 164 Cr.P.C. has fully supported the prosecution case.

8. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Minapur P.S. Case No. 65 of 2021.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

