

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16791 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- INDUSTRIAL AREA District- Vaishali

Rudal Kumar Ray @ Rudal Ray S/O Sri Bhola Ray R/O Village- Sultanpur,
P.S- Industrial Area, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Industrial Area P.S. Case No.138 of 2024 dated 05.10.2024 registered for the offences punishable under Sections 318(4), 338, 336(3), 340(2) and 61(2) of the Bharatiya Nyay Sanhita (B.N.S.), 2023.

3. As per allegation, the land in question is khatiyani land of the informant in the name of her husband. However, since 1970, several sale deeds have been executed in regard to the land, including the sale deed executed by her husband. Since then, the land has changed several hands and even mutated in the names of transferees in collusion with the Revenue Officers, including the Circle Officers and hence, the case has been



lodged against the persons who have purchased the land and got mutated the land in their names. Even the Circle Officers and Revenue Officers have been impleaded as accused in this case.

4. Learned counsel for the petitioner submits that the petitioner is totally innocent and has falsely been implicated in this case and he is nowhere connected with the alleged offence. He has not even named in the FIR and police without any legal basis has arrested the petitioner. The arrest of the petitioner is illegal and against fundamental right to liberty.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in five other cases.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances of the case, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this



order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Hajipur (Vaishali) at Hajipur in connection with Industrial Area P.S. Case No.138 of 2024 subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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