

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21871 of 2025

Arising Out of PS. Case No.-186 Year-2014 Thana- BODHGAYA District- Gaya

Rajesh Manjhi aged about 38 years (Male), Son of Badho Manjhi, Resident of
Village- Silaunja, P.S.- Bodhgaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-04-2025 Heard Mr. Ujjawal Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Dashrath Mehta,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bodh Gaya P.S. Case No. 186 of 2014, registered for the
offence punishable under Sections 363(A) of the Indian Penal
Code.

3. As per the allegation made in the FIR, petitioner
along with other co-accused persons had abducted the son of the
informant in the year 2010 on the pretext of providing him job
in Delhi.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. The FIR is of the year 2014



and was lodged for missing of the son of the informant since 2010. Petitioner is not named in the FIR and as such, there was no apprehension of his arrest. Name of the petitioner has surfaced in course of investigation. The statement of the victim has been recorded under Section 164 of the Code of Criminal Procedure, in which, he has not supported the prosecution case and has not taken the name of the petitioner. Similarly situated co-accused persons, namely, Sanjay Manjhi has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 24.06.2015 passed in Criminal Miscellaneous No. 12539 of 2015 and Kamlesh Manjhi has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 08.10.2015 passed in Criminal Miscellaneous No. 22022 of 2015. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that petitioner is not named in the FIR and as such, there was no apprehension of his arrest. Name of the petitioner has surfaced in course of investigation. The statement of the victim has been recorded under Section 164 of the Code of Criminal Procedure, in which, he has not



supported the prosecution case and has not taken the name of the petitioner. Similarly situated co-accused persons, namely, Sanjay Manjhi has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 24.06.2015 passed in Criminal Miscellaneous No. 12539 of 2015 and Kamlesh Manjhi has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 08.10.2015 passed in Criminal Miscellaneous No. 22022 of 2015. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. Learned District Court is directed to verify the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and if it is found that no allegation has been made against the petitioner, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four 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 learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No. 186 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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