

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38101 of 2025

Arising Out of PS. Case No.-402 Year-2024 Thana- RAJAPAKAR District- Vaishali

Birendra Rai Son of Upendra Rai Resident of village - Amadpur Bariyapur,
P.S.- Rajapakar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisu Zzoha, Advocate Mr. Somesh Kumar, Advocate Mr. Shabina Talat, Advocate
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is in custody since 25.10.2024 in a case registered for an offence punishable under Sections 97, 143(5), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution story, on 22-10-2024 when the informant was sitting at her office and doing work then one Rina Devi came and gave written application and stated that her husband, Ghanshyam Kumar taken Rs. 80,000/-friendly loan to Vikash Kumar and returned Rs. 60,000/- and demanded time for one month for return Rs. 20,000/- but Vikash Rai has not given time and on 16-09-2024, Birendra Ray and Vikash Rai came at



his door and took away her both sons Lav @ Saurav and Kush Sarthan and threatened to repay the loan money, thereafter the informant along with police proceeded for enquiry the matter and arrested Birendra Rai and on enquiry about the both sons of Rina @ Pinki then who disclosed that Rina Devi @ Pinki and her sons Ghanshyam Kumar some months before came to sold her child and contacted Minta Devi, Sanju Devi and Sahdan Singh and they are in August 2023 one elder sons was sold to Vikash Rai at the house of Mina Devi, Manju Devi and Sahdan Singh in Rs. 80,000/- by Reena Devi @ Nikki Devi and her husband Ghanshyam Singh and both husband and wife sold that second son worth Rs. One lakh to Vikash Rai, thereafter the informant enquired the matter with Ghanshyam Kumar and on check her mobile video and other evidences of selling of child was found in deleted file, thereafter on further inquiry they admitted that they sold her son to Vikash Rai, after taken money, then the informant contacted with Vikash Kumar and called from P.S. then the said Vikash Rai along with the both minor children came at P.S., thereafter the informant taken Vikash Rai and lodged the case against all persons involved in sell purchase of child.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. He next submits that there is no such allegation for sale and purchase of child is made out against the petitioner and petitioner is not involved in sale and purchase of the informant's child. He further submits that similarly situated co-accused persons have already granted bail by this Court vide order dated 08.05.2025 passed in Cr. Miscellaneous No. 1177 of 2025, Cr. Miscellaneous No. 1850 of 2025, Cr. Misc. No. 2102 of 2025 and Cr. Miscellaneous No. 4158 of 2025. He next submits that petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He next submits that petitioner is in custody since 25.10.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, submission of the learned counsel for the petitioner as well as the fact that similarly situated co-accused persons have already granted bail by this Court vide order dated 08.05.2025 passed in Cr. Miscellaneous No. 1177 of 2025, Cr. Miscellaneous No. 1850 of 2025, Cr. Misc. No. 2102 of 2025 and Cr. Miscellaneous No. 4158 of 2025 and also the fact that petitioner has got clean antecedent, let the above named



petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-1st Class, Hajipur, Vaishali, in connection with Rajapakar P.S. Case No.402 of 2024.

(Ramesh Chand Malviya, J)

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