

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48538 of 2025

Arising Out of PS. Case No.-2333 Year-2014 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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1. Rajgir Rai
2. Rajesh Rai
Both are Son of Late Chulhai Rai, R/o Village and PS -Vaishali, Dist-
Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alok Kumar Son of Sri Harendra Ray, R/o Village and PS -Vaishali, Dist-
Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2025 Heard Mr.Mritunjay Kumar, learned counsel for the

petitioners and Mr.Narendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No.2333 of 2014, dated
21.07.2014 registered for the offences punishable under
Sections 147, 148, 341, 323, 364, 308, 120(B) of IPC and
cognizance has been taken under Sections 147,341,323,364 of
IPC.

3. Allegation against the petitioners is that they
alongwith other co-accused persons kidnapped the complainant



by spraying some intoxicating substance on the complainant's face with a handkerchief due to which the complainant became unconscious.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent. The allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the process under Section 82 of Cr.P.C. was issued against the petitioners.

6. In view of the aforesaid, the petitioners are not entitled for grant of privilege of anticipatory bail.

7. Learned counsel for the petitioners, on the other hand, submits that he has annexed the entire ordersheet of Case No.G 2333/24 Tr No.668/2015 (Annexure-2) which suggests that although process under Section 82 of Cr.P.C. was issued against the petitioners but it appears from the order sheet of complaint case that the same has never been served upon the petitioners and one co-accused person, namely, Prabhu Rai was arrested 17.05.2025 when the petitioners came to the knowledge



about the present case.

8. Considering the aforesaid facts, petitioners have clean antecedent and it appears from the complaint petition itself that the allegation as alleged in the complaint petition is false and fabricated, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Vaishali at Hajipur in connection with Complaint Case No.2333 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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