

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50112 of 2025

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

-
1. Shambhu Rai S/O Late Ram Chandra Rai R/O Village- Vaishali, P.S- Vaishali, Distt.- Vaishali.
 2. Rajesh Rai @ Rajesh Kumar S/O Late Ramprit Rai R/O Village- Vaishali, P.S- Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No.2333 of 2014, wherein cognizance has been taken for the offences punishable under Sections 147, 341, 323 and 364 of the Indian Penal Code.

3. The petitioners along with other co-accused persons allegedly kidnapped the complainant by spraying some intoxicating substance on his face due to which he became unconscious.

4. Learned Advocate for the petitioners submitted that, in fact, no such occurrence had ever taken place as alleged in



the complaint petition; rather the fact is that on 20.02.2012, the complainant had kidnapped the nephew of co-accused Prabhu Rai, for which Vaishali P.S. Case No.50 of 2012 was registered. It is further contended that though the complaint was filed long back in the year 2014, but at no point of time, any notice or summons were received by the petitioners and they got to know regarding lodging of the present case, recently, when co-accused Prabhu Rai was arrested and process under Section 82 CrPC. was issued against them on 23.04.2025. Taking note of the aforesaid facts, co-accused Rajgir Rai and Rajesh Rai, who were also facing identical allegation, have been allowed the privilege of anticipatory bail by a learned co-ordinate Bench of this Court vide order dated 07.08.2025 passed in Cr. Misc. No.48538 of 2025, the copy of which has been placed on record. Moreover, petitioner no.1 is having clean antecedent whereas petitioner no.2 bears one criminal antecedent, but admittedly of the offence under Section 379 I.P.C. The petitioners undertake that they will fully cooperate in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the cognizance in the matter was taken much earlier in the year 2016 itself and the petitioners were evading their arrest.



6. Regard being had to the submissions made on behalf of the parties and taking note of the fact that the petitioners, for the first time, came to know about the present case in the year 2025, when one of the co-accused persons was apprehended, apart from the fact that the case of the petitioners is based on parity, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

rohit/-

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

