

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61974 of 2024

Arising Out of PS. Case No.-620 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Birendra Rai @ Ritesh Rai @ Birendra Kumar Rai S/O Late Lal Bahadur Rai
R/O Vill - Jurabanpur, Gopalpur, P.S- - Bidupur, Distt.- Vaishali, Bihar-
848236.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Jha S/O Late Madhukant Jha R/O Village- Shahpur Undi, P.S-
Patori, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with Shahpur Patori P.S. Case No. 620 of
2022 registered for the alleged offences under Section 365, 366,
367 & 368 of the Indian Penal Code.

03. As per prosecution case, petitioner kidnapped and
confined the wife of the complainant at some secret place.

04. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.
There is no material against the petitioner to support the allegation
made against the petitioner by the complainant. False and
fabricated case has been lodged after four years of the occurrence



and the delay has nowhere been explained. The petitioner has though a brief affair with the wife of the complainant but later on they separated and the wife of the complainant developed intimacy with another person named Rakesh Kumar and eloped with him and solemnized marriage with him. Documents in this regard has been annexed as Annexure-2 of this petition showing that wife of the complainant has been described as wife of Rakesh Kumar. Instead of taking action against said Rakesh Kumar, the complainant has tried to frame the petitioner in this present case. Co-accused persons have been granted bail vide order dated 26.06.2024 passed in Cr. Misc. No.38817 of 2024 by this Court. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits there is direct allegation against the petitioner of kidnapping the wife of the complainant. Though Vakalatnama has been filed on behalf of the opposite party no. 2, no one appeared on his behalf.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the delay in lodging the complaint and further considering possibility of false accusation and also considering the clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest



or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M., Samastipur in connection with Shahpur Patori P.S. Case No. 620 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Anuradha/-

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