

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4494 of 2026

Arising Out of PS. Case No.-442 Year-2007 Thana- NAGAR District- Vaishali

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Baleshwar Rai @ Savan Kumar S/O Ramashrey Rai R/O Village- Kewatiya,
P.S- Dariyapur, Distt.- Saran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2026 Heard Mr. Deepak Kumar Singh, learned counsel

for the petitioner and Mr. Sanjay Kumar Tiwary, learned APP

for the State.

2. Petitioner seeks bail, who is in custody since
11.10.2025, in connection with Hajipur Town P.S. Case No. 442
of 2007, F.I.R. dated 13.08.2007 registered for the offences
punishable under Sections 366, 364/34 of the Indian Penal
Code.

3. The prosecution case, in brief, is that the
informant's daughter-in-law had gone to her parent's house
along with her three children but did not return. It is alleged
that Udai Rai and Brij Rai forcibly took her away along with
children to Delhi for illegal and immoral purpose. It is also
alleged that the accused committed murder of the girl child



namely, Priti, amongst the children.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. Initially, the petitioner was not named in the F.I.R. and the name of the petitioner has been transpire during investigation on the basis of confessional statement of co-accused person, namely, Mahipal Singh and except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. The victim was recovered and her statement was recorded under Section 164 of the Cr. P.C./183 of the B.N.S.S. in which she has not stated anything about the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.10.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional



statement of co-accused Mahipal Singh as well as the victim has not stated anything about the petitioner in her statement recorded under Section 164 of the Cr. P.C./183 of the B.N.S.S., let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 442 of 2007, subject to the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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