

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.523 of 2015

Arising Out of PS.Case No. -22 Year- 2014 Thana -BATH District- BHAGALPUR

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Kundan Kumar, Son of Sunil kumar Singh, resident of Village-Deodha,P.S-Bath, Distt.-Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-05-2015 The petitioner is apprehending his arrest in connection with Bath P.S. Case No. 22 of 2014 for the offences instituted under Sections 363 and 366(A) of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that on 18.03.2014, one Kundan Kumar has enticed away the daughter of the informant with an intention to marry her. The daughter of the informant, namely, Rupam Bharti, while she was going towards her Gram field from the way, Kundan Kumar has abducted her. The daughter of the informant was studying in Class-IXth and is aged about 13 years. It is further alleged that in the alleged abduction of the daughter of the informant, one Chhotu Kumar @ Jorge has helped him and up-to eight days, he was playing fraud



with the informant by saying that she will return back within one or two days but his daughter did not return back in between those days. He used to make available talk from Mobile No. 9122399358, 8877605820 and when the informant came at the house of Kundan Kumar, his mother started abusing him and Wakil Mandal was favouring him and further he threatened him to go anywhere, where he wants to go, then the informant tried his level best to search out his daughter but she could not be traced.

It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedents. Further it has been submitted that though the occurrence is said to have taken place on 18.03.2014 but the present case has been instituted on 26.03.2014 and for the said delay, no explanation has been made on behalf of the prosecution. It has further been submitted that there was love affair between the petitioner and the victim which is evident from Annexure- 2, which is the love letter made by the victim herself addressed to the father of the victim. Further it has been submitted that the victim has been examined under Section 164 Cr. P.C. where she has admitted that her marriage has been solemnized out of her consent with the petitioner. The said 164 Cr. P.C. statement is Annexure- 3 to the present application.

On behalf of the State, it has been submitted that the

petitioner is named in the F.I.R. and the specific allegation has been made against the petitioner.

Considering the fact that the victim has already been examined under Section 164 Cr. P.C. and she has not supported the F.I.R., let the above named, petitioner, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Bath P.S. Case No. 22 of 2014 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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