

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21612 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- NAUTAN District- West Champaran

KUNDAN KUMAR UPADHYAY @ KUNDAN UPADHYAY Son of
Balmiki Upadhyay, Resident of Hafizpur, P.S.- Sahjipur, District- Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 04-07-2019 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in **Nautan P.S. Case No. 46 of 2019**, instituted for the offence under Section(s) 363, 511 of Indian Penal Code, Sections 25(1-b)a, 26 and 37 of Arms Act.

It is alleged in the written report that on the date of occurrence the informant was sweeping his *Bathan* and his 4 years 6 months old nephew was playing on the road at some distance. He heard sound of weeping of his nephew. He went to the place of occurrence and saw one person running away taking his nephew in his lap towards Bolero car parked near bridge. The informant ran after him and caught hold the accused and



snatched his nephew from him. The villagers came there on alarm. One person managed to run away. The apprehended person disclosed his name as Kundan Kumar Upadhyay (petitioner).

Counsel for the petitioner submits that one Bolero car was parked but there was no description of registration of the said Bolero car mentioned in the written report. From the written report it is apparent that boy was not kidnapped. The petitioner is alleged to have been apprehended but other persons managed to run away with said Bolero Car.

As per seizure list one Desi Nalkatua (country made pistol) along with two live cartridges and two Mobile Phones have been recovered from *Bathan* of the informant. The seizure list does not bear signature of this petitioner. From the seizure list it appears that aforesaid firearm has been produced by Ravi Kant Bhagat (informant) of the instant case.

It is mentioned in paragraph-3 of the bail petition that petitioner has no criminal antecedent. Petitioner is in custody since 31.01.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, West Champaran (Bettiah)** in connection with **Nautan P.S. Case No. 46 of 2019**, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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