

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 23355 of 2019**

Arising Out of P.S. Case No.-40 Year-2019 Thana- TEKARI District- Gaya

Kunal Kumar, aged about 22 years (Male), Son of Kamlesh Yadav, Resident of Kurkut Bigha, P.S-Tikari (Mau O.P.), District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate  
For the State : Mr. Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN  
AMANULLAH**

**ORAL JUDGMENT**

**Date : 18-07-2019**

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with Tekari (Mou O.P.) P.S. Case No. 40 of 2019 dated 29.01.2019 instituted under Sections 341, 323, 354(A), 379, 386 and 504/34 of the Indian Penal Code.

3. The allegation against the petitioner and three others is of forcibly stopping the bus in which the informant, his wife and daughter were travelling and assault on the informant and abuse and also snatching of Rs. 1,56,000/-.

4. Learned counsel for the petitioner submitted that the marriage of the petitioner was initially fixed with the daughter of



the informant but it was called off and though the petitioner had returned whatever gift he had received but the informant had not returned the jewellery, which was given at the time of fixing of marriage due to which, to create pressure, the present false case has been filed. Learned counsel also produced before the Court copy of order dated 07.05.2019 passed by a co-ordinate Bench in Cr. Misc. No. 30364 of 2019, by which co-accused Chunnu Yadav has been granted anticipatory bail.

5. Learned APP, upon going through the case diary, submitted that the daughter of the informant, who was also in the bus has stated before the police during enquiry that the petitioner used to bother her and this resulted in breaking up of the marriage fixed with him and that he had committed the offence alleged. It was further submitted that independent witness has also stated that four persons had stopped the bus and had gone inside and ill behaved and also snatched money from the informant and his family and the petitioner was also one of them. Learned counsel further submitted that the co-accused Chunnu Yadav was not the main culprit as it has been alleged by the informant that it was the petitioner with whom the marriage had been fixed and later on broken and he was the person who had snatched Rs. 1,56,000/-



from the informant and, thus, he was the person having main motive whereas Chunnu Yadav was just an accomplice.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

8. The case diary be returned forthwith.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |
| T        |  |

