

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43697 of 2019

Arising Out of PS. Case No.-157 Year-2018 Thana- BARIYARPUR District- Munger

GULSHAN KUMAR Son of Tuntun Kumar Resident of Village-Farda, P.S.-
Nayaram Nagar, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Mishra

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 30-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 19.03.2019 in connection with Bariarpur P.S. Case No. 157/2018 registered for the offence punishable under Sections 364/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is the cousin brother (Mouser) of the girl Resham Kumari who is alleged to be having some relationship with the person who is alleged to have been kidnapped. It is further submitted that the informant's story is that the victim boy was having a relationship with the daughter of Munna Singh, resident of Philkia, P.S. Bariarpur and that she had come to the house of the victim boy and asked him to marry, but when the



same was declined, the relatives of the said Resham Kumari have kidnapped the son of the present informant and, thereafter, he is traceless. It is submitted that the name of the petitioner has surfaced only because the Resham Kumari had been using the mobile phone of the present petitioner to communicate with the victim boy and, therefore, it has been presumed that the petitioner has a role to play in the disappearance of the victim boy. It is suspected that he has been murdered. Learned counsel for the petitioner submits that on the basis of such allegations, the petitioner was taken into custody and he was made to give a confessional statement before the police implicating himself which has no evidentiary value.

Case diary in the present case was called for which has since been received.

Learned counsel appearing on behalf of the informant submits that the diary reveals that the petitioner had been communicating with the victim boy on several occasions just prior to his disappearance. It appears that the said Resham Kumari belongs to the village of the informant, Phulkia at Bariarpur, District Munger, whereas investigation at paragraph No. 24 of the case diary reveals that the present petitioner is a resident of Katihar. However, the bail application indicates that



the present petitioner is a resident of Munger. Moreover, the call details which have been found are of the victim who has communicated with another number which is 7479924196 and, thereafter, the mobile phone has been found to have been switched off.

In view of the contradictions available on record in the case diary itself and that the petitioner's confessional statement made before the police cannot be held against him and that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, IV, Munger, in connection with Bariarpur P.S. Case No. 157/2018.

(Anjana Mishra, J)

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