

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76153 of 2019

Arising Out of PS. Case No.-69 Year-2019 Thana- DULHIN BAZAR District- Patna

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KUNDAN KUMAR Son of Late Gopal Sharma @ Lalit Gopal Singh
Resident of Village - Alipur, P.S.- Dulhin Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Roy

For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner, learned

Addl. Public Prosecutor for the State as well as learned counsel

for the informant.

Petitioner seeks bail in a case registered under sections
365, 366A and 506/34 of the IPC.

It is submitted by counsel for the petitioner that
petitioner is aged about 20 years and from the allegation made
in the F.I.R, it is apparent that there is no allegation even of
forcibly taking away the victim. Victim after speaking to
someone on phone had gone on her own with the petitioner. It is
only upon her recovery that she has given statement under
duress and coercion that she was forcibly taken away. The court
below while recording her statement under section 164 Cr.P.C
has assessed her age as 18 years.



Learned counsel for the informant submits that victim is aged only 16 years at the time of alleged occurrence and after recovery, victim disclosed that she was taken away from one place to another by the petitioner.

Learned A.P.P. opposes the prayer for bail.

Petitioner has no criminal antecedent and he is in custody since 17.06.2019. Charge sheet has already been submitted in this case.

Considering the aforesaid submissions, prayer for bail is allowed.

Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri P.K.Malviya, Judicial Magistrate Ist Class, Danapur in Dulhin Bazar P.S. Case no. 69/2019 subject to the following conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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