

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27969 of 2020**

Arising Out of PS. Case No.-76 Year-2019 Thana- ISUAPUR District- Saran

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KUNDAN KUMAR RAY @ KUNDAN KUMAR S/o Late Bhagwan Ray @
Musafir Resident of Village- Manuman Ganj, P.S.- Isuapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-12-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Isuapur P.S. Case No.76 of 2019 registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the F.I.R. has been lodged four days after the alleged occurrence when the victim girl went missing. It is submitted that the victim girl has returned and in her statement under Section 164 Cr.P.C. though she has named this petitioner, but she has not alleged any sexual exploitation



and medical examination report saying no recent sign of any such act. It is also submitted that the co-accused Mintu Kumar Rai has been granted privilege of anticipatory bail in Cr.Misc.No.48728 of 2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner along with co-accused Mintu Kumar Rai were allegedly seen taking away the victim girl on the motorcycle, the F.I.R. has been lodged four days after the alleged occurrence when the victim girl went missing, the victim girl has returned and in her statement under Section 164 Cr.P.C. though she has named this petitioner, but she has not alleged any sexual exploitation, medical examination report saying no recent sign of any such act and that the co-accused Mintu Kumar Rai has been granted privilege of anticipatory bail in Cr.Misc.No.48728 of 2019, the petitioner has remained in jail for over one year, investigation against him is complete and the trial is not likely to be concluded in near future as also that there is no submission on behalf of the State that his release is likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saran at Chapra in connection with Isuapur P.S. Case No.76 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of



India and the State Government with regard to COVID-19
Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

