

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87044 of 2019**

Arising Out of PS. Case No.-189 Year-2019 Thana- KHAJANCHI HAT District- Purnia

ARJUN KUMAR YADAV @ ARJUN KUMAR SHARMA Son of Late  
Bisheshwar Sharma Resident of Village - Belsara Goth, Ward No. 10, P.S.-  
Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                      |
|----------------------------|----------------------|
| For the Petitioner/s :     | Mr.Mrigendra Kumar   |
| For the Opposite Party/s : | Mr.Akhileshwar Dayal |
|                            | Mr. Ashok Kumar, APP |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      27-05-2020              Heard the learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks regular bail in connection with K.Hat  
P.S. Case No. 189 of 2019, registered for the offence punishable  
under Section 363/34 of the Indian Penal Code.

The case of the prosecution in brief is that the son of the  
informant lives in a hostel of Bright Career School and studies  
in Class-X. It is alleged that on 16.3.2019, the son of the  
informant, namely, Ranav Pratik had gone outside the school  
for filling form, however, when he did not return back till 6 pm.,  
the wife of the teacher informed the wife of the informant about  
the said fact whereupon the informant started searching his son,  
during the course whereof, one Raushan Kumar Yadav informed  
him that on 16.3.2019 at about 5 pm., he had seen the son of the



informant going with some persons in an Alto car without any number plate and also disclosed that the petitioner was present in the said car.

The learned counsel for the petitioner has submitted that the petitioner is innocent though he is an accused in one other case, but he is on bail in the said case and he is languishing in custody since 20.8.2019. It is further submitted that a bare perusal of the statement made by the victim boy under Section 164 Cr.P.C. before the learned Magistrate would show that the son of the informant was kidnapped for the purposes of solemnizing his marriage with one Priyanka Kumari and when he refused to marry her, he was beaten by the accused persons. It has been also stated by the victim boy that he finally solemnized marriage with Priyanka Kumari and remained at her house at Parsa for 4-5 days, whereafter he was sent to Delhi where stayed for 6-7 days and then it transpired that the father of the victim boy had filed a case and then, he along with the accused persons had come to Purnea. It is submitted that the petitioner has not been named by the victim boy in his statement made before the learned Magistrate under Section 164 of the Cr.P.C., hence, the petitioner cannot be said to be having any complicity in the matter.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the victim boy has not named the petitioner to be the person, who had kidnapped him, in his statement before the learned Magistrate under Section 164 Cr.P.C., I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of the learned C.J.M., Purnea in connection with K.Hat P.S. Case No. 189 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned learned C.J.M., Purnea in connection with K.Hat P.S. Case No. 189 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

**(Mohit Kumar Shah, J)**

Ajay/-

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