

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86886 of 2019**

Arising Out of PS. Case No.-115 Year-2019 Thana- BEN P.S. District- Nalanda

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Kundan Kumar @ Chhotu Bind Son of Lala Bind @ Lal Bind Resident of  
Village - Mahmadpur, P.S.- Ben, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Mohammed Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

7      07-10-2020                      Heard Mr. Anil Kumar Singh, learned counsel  
for the petitioner and Mr. Mohammed Arif for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Ben P.S. Case No. 115 of 2019 dated 02.08.2019 instituted for the offences under Sections 366(A) and 34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

One Deepak Kumar is said to have enticed away the daughter of the informant. The petitioner and one Chintu Kumar are alleged to have gone to the house of the informant and threatened him that his daughter would be taken away in full public view which would spoil the entire reputation of his family.

Learned counsel for the petitioner has submitted that such allegation has unnecessarily been



introduced in the FIR. The petitioner has got no connection with aforesaid Deepak Kumar or the informant's daughter. Only because he is one of the sympathizers of Deepak Kumar, he has been made accused.

Under similar circumstances, Chintu Kumar, a co-accused has been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 7534 of 2020 by order dated 03.03.2020.

Initially, this Court was not inclined to accept the order granting anticipatory bail to Chintu Kumar as a precedent for granting anticipatory bail to the petitioner for the simple reason that a statement on behalf of the petitioner therein was relied upon by the Court that the victim has already married Deepak Kumar. There is nothing on record to test the veracity of such statement.

Nonetheless, Mr. Anil Kumar Singh, learned counsel for the petitioner submits that his client is ready to face the consequences if the aforesaid statement that the victim has married Deepak Kumar of her own volition is found to be incorrect.

Considering the aforesaid submissions and taking into account the entire set of facts, the petitioner also is directed to be released on bail, in the event of his arrest or surrender before the court below within a



period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge, Nalanda at Bihar Sharif in connection with Ben P.S. Case No. 115 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

In case the information that the victim has married Deepak Kumar is found to be incorrect, it would be open for the informant to file an application before the court below for cancellation of bail granted to the petitioner.

The petition stands disposed of accordingly.

**(Ashutosh Kumar, J)**

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