

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2264 of 2021**

Arising Out of PS. Case No.-324 Year-2019 Thana- KALYANPUR District- East Champaran

Abhisek Kumar, son of Ranjeet Singh, R/O Village-Nardarwa, P.S.-  
Kalyanpur, District-East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                    |   |                              |
|--------------------|---|------------------------------|
| For the Petitioner | : | Mr. Rajesh Ranjan, Advocate  |
| For the State      | : | Mr. Navin Kumar Pandey, APP  |
| For the Informant  | : | Mr. Abhishek Kumar, Advocate |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      02-06-2021      This matter has been taken up today for consideration through video conferencing in view of resurgence of COVID-19 Pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned counsel for the informant as well as the learned APP for the State.

The petitioner seeks bail in connection with Kalyanpur P.S. Case No.324 of 2019 instituted for the offence punishable under Sections 363, 366(A) and 34 of the Indian



Penal Code.

It is alleged that the informant's daughter has been kidnapped on 15.12.2019 at about 10:00 P.M. by eight named accused persons, including the petitioner, for the purpose of marriage.

Counsel for the petitioner submits that the implication of the petitioner is based on extraneous considerations. The petitioner has clean antecedents and is in custody since 29.06.2020. Both the alleged victim and the petitioner are in the same age. The petitioner is slightly older than the victim.

It is submitted that the falsity of the petitioner is apparent from the fact that the specific case is of kidnapping having been done on 15.12.2019. The F.I.R. has been lodged after two days. On 23<sup>rd</sup> December, 2019, i.e., about six days after the alleged occurrence, the girl has been produced before the police by the informant herself. Statement of the victim girl was recorded under Section 164 Cr.P.C. The statement is Annexure 2 to the bail application.

Referring to the same, Counsel for the petitioner submits that though the victim has stated specific participation of the accused persons, she has consciously omitted to give the name of the petitioner. The petitioner and his entire family have



been implicated on the basis of extraneous considerations. The prosecution party and the accused side are residents of the same village, but she has not taken the name of the petitioner. There is intimate relation of the petitioner with the alleged victim which was not appreciated by all.

Learned APP for the State and the learned counsel for the informant have opposed the prayer for bail. They have submitted that the victim in her statement under Section 164 Cr.P.C. has stated that some injury has been caused on her neck and her face was also aching.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No.324 of 2019, subject to the following conditions:

(i) That one of the bailors of the petitioner 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.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

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