

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33048 of 2022**

Arising Out of PS. Case No.-456 Year-2021 Thana- VAISHALI District- Vaishali

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KUNDAN KUMAR SON OF SHAMBHU RAI RESIDENT OF VILLAGE-
KHAJAULI, P.S.- LALGANJ, DISTRICT- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate
For the Opposite Party/s : Mrs. Bharat Vhushan APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-09-2022 Heard Mrs. Bela Singh learned counsel for the

petitioner and learned Mr. Bharat Bhushan APP for the State

through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with Vaishali P.S. Case No. 456 of 2021 for the offences under

Sections 363, 366A/34 of the Indian Penal Code.

The allegation in the FIR is of kidnapping the minor

girl and the same has been attributed to one Chandan Kumar @

Kallu. The petitioner herein happens to be the brother of the said

Chandan Kumar @ Kallu.

Mrs. Bela Singh, learned counsel for the petitioner

submits that as per her knowledge and as per the instruction



provided to her by the family members of the petitioner, the victim girl has made a statement under Section 164 of the Cr.P.C. narrating that she left on her own with Chandan Kumar @ Kallu and has also solemnized marriage with her with further statement that she wants to live with her in-laws. She submits that if this instruction is correct, the petitioner, who is brother of said Chandan Kumar @ Kallu, deserves bail. It is her last submission that the petitioner is in custody since 17.02.2022 (as stated in paragraph-13 of the bail application) and has no criminal antecedent.

Considering the submissions made by Mrs. Bela Singh, learned counsel for the petitioner and the instructions that she has got regarding the statement made by the victim girl under Section 164 of the Cr.P.C. as also the fact that he is in jail since 17.02.2022 and has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

If however, the said instructions regarding the statement made by the victim girl under section 164 of the Cr.P.C., is found to be false, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali in connection with Vaishali P.S. Case No. 456 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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