

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15924 of 2023

Arising Out of PS. Case No.-333 Year-2018 Thana- MADHUBANI TOWN District-
Madhubani

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Kundan Kumar Karn S/o Ratan Karn Resident of Village-Salempur, P.S.-
Town, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection
with Town P.S. Case No. 333 of 2018 dated 15.09.2018
registered for the offence punishable under Section 366(A) of
the Indian Penal Code.

The informant has alleged that her daughter has been
missing since 11.09.2018. In the F.I.R. dated 15.09.2018, she
has stated that the petitioner has taken her away.

Learned counsel for the petitioner draws attention of
the Court towards statement of victim recorded under Section
164 of Code of Criminal Procedure-1973(Annexure-2), wherein,
the alleged victim has deposed claiming her age to be 21 years



old and asserting that she had gone on her own volition, has solemnized marriage with the instant petitioner and is also having a one year old child. The submission is that the statement belies the prosecution case.

Learned APP for the State has opposed the prayer for pre-arrest bail. However, having regard to the deposition of the victim recorded under Section 164 of Code of Criminal Procedure-1973, he is not in a position to deny the same.

Considering the rival submissions, clean antecedent of the petitioner and statement of victim recorded under Section 164 of Code of Criminal Procedure-1973, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 C.J.M. Madhubani, in connection with Town P.S. Case No. 333 of 2018, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:



(i) That one of the bailors 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 bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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