

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18713 of 2023

Arising Out of PS. Case No.-79 Year-2022 Thana- NAWADA District- Nawada

Kundan Kumar @ Kundan Kumar Singh, aged about 35 years (Male), S/O
Deepak Kumar @ Deepak Singh, resident of village- Prasad Bigha Nawada,
P.S- Nawada, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Nawada PS Case No.79 of 2022 dated 28.01.2022, instituted for
the offence punishable under Sections 363, 365 of the Indian
Penal Code.

3. It is alleged in the FIR that the daughter of the
informant is the student of Women's College, Nawada. She left
her home on 11.01.2022 for going to college, but did not return.
During search, the informant came to know that the petitioner
along with his family members have kidnapped her.

4. Learned counsel for the petitioner submits that FIR
has been lodged against the petitioner and his family members.
Learned counsel further submits that the statement of the victim
girl has been recorded under Section 164 Cr.P.C. on 04.11.2022,



wherein, the victim has stated her age as 20 years and the Court has assessed her age 18 years. In the statement recorded under Section 164 Cr.P.C., the victim has stated that she has voluntarily married to the petitioner. There is nothing in the statement which could suggest that she was forcibly abducted. Learned counsel further submits that the victim has performed marriage to the petitioner without consent of her parents because due to caste barrier her parents were not ready for the marriage. Lastly, it has been submitted that the petitioner is in custody since 03.12.2022 and charge-sheet has been submitted in the case. Two criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge, VI-cum-Special Judge, POCSO Act, Nawada, in Nawada PS Case No. 79 of 2022.

(Khatim Reza, J)

J. Alam/-

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