

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29767 of 2023

Arising Out of PS. Case No.-687 Year-2022 Thana- ARA NAWADA District- Bhojpur

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KUNAL KUMAR S/O LATE LAL BAHADUR SHASTRI Resident of
Village- Haripur Jamalpur, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque

For the Opposite Party/s : Mr.Pushpa Sinha. 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 04-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 364 and 366(A) of the
Indian Penal Code.

3. As per prosecution case, the petitioner came the
house of the informant by motorcycle and took her daughter
Punam Kumari for appearing in examination of B.A. Part-III in
Maharaja College, Ara. After examination her daughter did not
come at her house and the informant went to the house of the
petitioner asking him about her daughter and the mother of
petitioner said that her son has also not come. It is further
alleged that the petitioner has earlier taken her daughter several
times.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. There is no consistent evidence and no eye-witness of the alleged occurrence to show the complicity of the petitioner in the present case. On the basis of suspicion, petitioner has been implicated in the present case. There has been delay of five days in lodging the FIR. He further submitted that the daughter of the informant was going with the petitioner on each and every date of examination. When she did delay in coming out from examination hall then petitioner contacted through mobile and took her with him. But on the last date of examination dated 04.08.2022 the victim left her mobile at her home and when the petitioner contact through mobile he found that her mobile was not in her pocket then the petitioner returned and informed to her parents. Further, it is submitted that charge has already been framed against the petitioner. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 03.02.2023.

5. The application for bail is opposed by learned APP for the State and submitted that the victim has not recovered as yet.



6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Ara Nawada P.S. Case No. 687 of 2022.

(Sunil Kumar Panwar, J)

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