

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44945 of 2023**

Arising Out of PS. Case No.-42 Year-2022 Thana- PARASBIGHA District- Jehanabad

GAURAV KUMAR @ KUNDAN KUMAR SON OF RAMJEE RAM  
VILLAGE PANDIT BIGHA, PS- PARASBIGHA, DIST- JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Jitendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      04-08-2023                      Heard Mr. Ansul, learned Counsel for the petitioner  
and Mr. Jitendra Singh who represent the State.

The petitioner apprehend his arrest in connection with Parasbigha P.S. Case No. 42 of 2022 for the offence punishable under Section 363, 364A, 506/34 of the IPC Section 8 of POSCO Act lodged on 05.03.2022.

As per the prosecution story, the allegation is that the informant's daughter went for coaching but failed to return and later, one Chunchun Kumar informed that he has seen her standing at a crossing along with accused persons including this petitioner. Suspecting kidnapping, the FIR.

It is the case of learned counsel for the petitioner that there is two group in the village and due to enmity so far as he is concerned has been dragged in. It is further submission that



when on 04.03.2022 the informant came to know about the alleged kidnapping what prevented him to wait for 24 hr. and lodge the FIR on 05.03.2022. The further submission is that even the girl who subsequently returned though states that she was taken on an auto and subsequently dropped near a police station has not alleged any misconduct/sexual assault/ beating. The only thing against him is that he has criminal antecedent that also due to the village enmity.

Mr. Jitendra Singh, learned APP, on the other hand, opposes the prayer that he was part of the group who took the girl in an auto.

Considering the submission put forward by the learned counsel for the petitioner, delay in lodging of the FIR despite the knowledge of the same from one Chuchun Kumar, even as per the information given by the said Chunchun Kumar that the girl was standing with the accused person near a crossing but did not raise any hue and cry there is no allegation of sexual assault against the girl, FIR lodged, ultimately will have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the



receipt of the order, 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 learned court of Additional Session Judge VIth- cum- Special Judge (POSCO) Act, Jehanabad. in connection with Parasbigha P.S. Case No. 42 of 2022 , subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/Jyoti/-

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