

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66716 of 2023

Arising Out of PS. Case No.-355 Year-2023 Thana- TEKARI District- Gaya

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Kundan Kumar @ Kundal Kumar @ Fakandu @ Phakandu S/O Lulu Yadav
R/O Titaiganj, P.S- Tekari, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Tekari P.S. Case No. 355 of 2023 dated 05.06.2023, lodged
under Sections 363/ 366A of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons against whom, there
is allegation of kidnapping of informant's daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the alleged victim girl has been recovered and she
has narrated in her statement before the Magistrate, under
Section 164 of the Cr.P.C. in which she has nothing alleged
against the present petitioner.

5. Learned counsel for the petitioner further submits that the relevant part of the statement has been acknowledged by the Additional Sessions Judge- XIIth, Gaya in the rejection order in which she has nothing alleged against the present petitioner. Counsel further submits that the medical report of the alleged victim is Annexure- P/2 in which nothing adverse are there. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 08.06.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that the statement of victim recorded under Section 164 of the Cr.P.C. is not on record. But upon perusal of the rejection order, counsel submits that nothing alleged against the present petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- VIth, Gaya in connection with Tekari P.S. Case No. 355 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(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
bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for one year to mark attendance;

(iv) the petitioner 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 the bail bonds; and

(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 the bail bonds.

8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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