

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69169 of 2022

Arising Out of PS. Case No.-153 Year-2019 Thana- GURUA District- Gaya

Kundan Kumar, Son of Arun Das @ Arun Ravidas, Resident of Village -
Tadai, P.S.- Gurua, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner is named in the FIR and apprehending his arrest in connection with Gurua P.S. Case No.153 of 2019 registered for the offences punishable under Section 366A read with 34 of the Indian Penal Code.

The allegation against the petitioner is to kidnap the minor daughter of informant aged about 17 years while the informant was busy in marriage ceremony of his niece along with family members

It is submitted by learned counsel for the petitioner that prior to this case, Gurua P.S. Case No.57 of 2019 was lodged against this petitioner by same informant alleging thereof, kidnapping of same minor daughter where petitioner was granted anticipatory bail by the court below itself. It is



submitted that since then the daughter of informant is living with petitioner happily after solemnizing her marriage, being major, and as such, there is no occasion to lodge the present case. It is pointed out that only to implicate the father of petitioner, who was left to implicate in Gurua P.S. Case No.57 of 2019, the present case was lodged. It is also submitted that in earlier case, on radiological examination, the age of victim was assessed as 18 - 19 years. Learned counsel also submitted that in present case, the date of occurrence is not given, which is sufficient to suggest that accusation is without any basis. While concluding argument, it is pointed out the victim filed an application dated 15.12.2021 before the court of Judicial Magistrate-1st Class, Sherghati stating thereof that being major, she solemnized her marriage with petitioner and living happily with him having a two years old child also out of the said marriage. It is submitted that the petitioner is a man of clean antecedent.

Learned Additional Public Prosecutor while opposing the prayer of bail fairly conceded that the present case was lodged by same informant.

In view of the above-mentioned facts and circumstances, as petitioner is on bail in Gurua P.S. Case No.57



of 2019, which was lodged prior to the present case by same informant, alleging kidnapping of same minor daughter, accordingly, above-named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks of this order, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Gaya in connection with Gurua P.S. Case No.153 of 2019, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

