

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78447 of 2023

Arising Out of PS. Case No.-506 Year-2023 Thana- FORBESGANJ District- Araria

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KRISHNA KUMAR @ KISHAN KUMAR Son of Shree Sunil Mandal
Resident of Village - Dholbaza, Ward No.-13, Kirkichiya, P.S, Farbisganj,
Dholbaja, District- Araria, PIn -854318.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Prakash Chandra Jha, Adv.
For the Opposite Party/s :	Mr.Nand Kishore Prasad, APP.
	Mr. Mrigendra Kumar, Adv.
	Mr. Mayank Bilochan, Adv.
	Ms. Kusum Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2023 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in Forbesganj P.S.
Case No. 506 of 2023 registered for the offences punishable
under Sections 363, 366(A), 354(D), 372, 373 of the Indian
Penal Code and Section 4 of POCSO Act.

3. Allegedly, all the accused persons including the
petitioner are said to have kidnapped the informant forcefully.
Thereafter, co-accused Sushil Mandal took her to Patna and kept
her in a hotel where he took her obscene photographs to
implicate her in prostitution.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.



No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is specific allegation against other co-accused, namely, Sushil Mandal. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State as well as learned counsel for the informant vehemently opposing the bail petition submitted that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. Hence, he does not deserve privilege of anticipatory bail. It is further submitted that the prayer for anticipatory bail of similarly situated co-accused, namely, Sushil Mandal, has already been rejected by this Court.

6. Having regard to the facts and circumstances of the case, as it is not fit case for anticipatory bail, I am not inclined to enlarge him on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the



same day in accordance with law without being prejudiced by
this order.

(Anjani Kumar Sharan, J)

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