

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1201 of 2023

Arising Out of PS. Case No.-526 Year-2022 Thana- KOTWALI District- Patna

KUNAL GAURAV TRIPATHI Son of Sita Ram Tripathi Resident of Village
and P.O. and P.S.- Khusroopur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Patna Kotwali P.S. Case No.526 of 2022, registered for offences under Sections 406, 418, 419 and 420 of the IPC.

The allegation is that while the informant was working with Seemanchal Security Service as a guard, he had come into contact with one Raja Kumar, who is stated to have been engaged in the business of providing employment to the unemployed persons. It is further alleged that the informant had disclosed the said fact to his room



partners, namely, Rohit Kumar and one Sachin, whereafter the said Raja Kumar had taken a sum of Rs.70,000/- in phases, however, neither the informant was provided any employment nor the money was refunded, nonetheless, on enquiry, it transpired that the said Raja Kumar is an advocate and his real name is Kunal Gaurav Tripathi.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the actual fact is that the informant and others had kidnapped the petitioner for which an FIR bearing Kotwali P.S. Case No.521 of 2022 had been registered and thereafter, the petitioner was recovered by the police from a poultry farm and the kidnappers were arrested, who are stated to be the informant of the present case and others. It is thus submitted that on account of the said incident, the petitioner has been falsely implicated in the present case. Lastly, it is submitted that



there is no proof of the informant having ever paid a single penny to the petitioner, thus no criminal offence is made out as against the petitioner herein.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that there is no proof of the informant having given any money to the petitioner, apart from the fact that the incident of kidnapping of the petitioner also creates a doubt about the veracity of the allegations levelled in the present case, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the



court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Patna Kotwali P.S. Case No.526 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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