

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9561 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- CHAUTHAM District- Khagaria

Kundan Kumar S/o Mukhilal Tanti R/o Vill - Bari Telaunchh, P.S. -
Choutham, Dist. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Choutham P.S. Case No. 126 of 2023 (G.R. No. 1243 of 2023) for the offence registered under sections 363 and 366(A) of the Indian Penal Code lodged on 22.04.2023 by the informant Fulo Devi.

3. As per the prosecution story, the informant has alleged that her daughter went out to attend the nature's call but disappeared and later came to know that she has been taken away by this petitioner. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the girl returned and recorded her statement under section 164 of the Cr.P.C. stating that she went on her own to Kerala where the



petitioner was staying, came back with him and got married in a Durga Temple at Naugachia.

5. The co-ordinate bench had called for the case diary and the statement of the victim girl which is on record and the submission put forward by the learned Counsel for the petitioner is in line with the statement made by the girl.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

7. Considering the fact that the girl herself has stated that she went on her own to Kerala and subsequently got married with this petitioner, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Khagaria in connection with Choutham P.S. Case No. 126 of 2023 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 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;

(iv) 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.

(Rajiv Roy, J)

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