

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19867 of 2024

Arising Out of PS. Case No.-119 Year-2021 Thana- VIDYAPATINAGAR District-
Samastipur

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Kundan Kumar Sah @ Kundan Kumar S/O Late Radhe Sah R/O Village-
Mau Dhaneshpur, North, Ward No. 4, P.S- Vidyapati Nagar, Distt.-
Samastipur, Bihar-848503

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr.Lakshmindra Kumar Yadav, learned

counsel for the petitioner and Mr.Satyendra Narayan Singh,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Vidyapati Nagar P.S. Case No.119 of 2021,
FIR dated 15.09.2021, registered for the offences punishable
under Sections 363,366(A)/34 of the Indian Penal Code.

3. Prosecution story in is brief is that on 12.09.2021
at 06:00 PM daughter of the informant the victim aged about
17.5 years, the victim had gone to Vidya Pati Market but she
did not return then the informant and his relatives and
villagers started searching her out. During the search he came



to know that Kundan Kumar Sah, Bajju Sah, both have kidnapped the victim and Harihar Sah, Narayan Sah, Shankar Sah, Ram Prasad Sah, Ankur Sah all have helped the accused and also helped the Upendra Sah.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner was in love with the victim girl and they have performed the marriage and the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that she has performed the marriage with the petitioner and she is living with the petitioner as a wife and as per date of birth of the victim, now the victim is major.

5. Learned A.P.P. for the State, on other other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail



bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Dalsinghsarai, Samastipur in connection with Vidyapati Nagar P.S. Case No.119 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) One of the bailors should be the victim, namely, Priyanka Kumari.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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