

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21652 of 2024

Arising Out of PS. Case No.-1353 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Kumar Gaurav @ Mohan Chandra Bhushan Singh @ Sri Chandra Bhushan
Prasad Singh Village- Athri Gargatta Tole Ps- Runnisaiddpur Dist- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ahiyapur P.S. Case No. 1353 of 2023 for the offence punishable u/s 363 of the Indian Penal Code to which Section 364 A of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the minor child of the informant went missing while coming from school. Later on the informant came to know about two persons who took his child on a motorcycle and the name of the petitioner surfaced during investigation.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in this case on the basis of confessional statement of his brother Kumar Saurav.



The confessional statement of the co-accused against this petitioner has got no legal sanctity. Learned counsel further submits that the petitioner is a head constable in I.T.B.P. The victim child has already been recovered from Runnisaidpur Railways Station on 19.10.2023 and the victim child though supported the factum of kidnapping but he did not name the petitioner either in his statement recorded under Section 161 Cr.P.C or in Section 164 Cr.P.C. The motorcycle which is said to have been used in the commission of crime does not belong to the petitioner. Petitioner has got no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case and considering completely vague nature of allegation against the petitioner, let the petitioner above named, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Muzaffarpur in connection with G.R. Case no. 5687 of 2023 arising out of Ahiyapur P.S. Case No. 1353 of 2023 subject to conditions as laid down under section 438(2) of



the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

Prakash/-

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