

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33057 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- DANIYAWAN District- Patna

Kallu Kumar @ Kishan Kumar @ Kallu (Male), aged about 24 years, Son of
Narendra Prasad, Resident of Village- Sarthua, P.S.- Sahajahapur, Distt- Patna
At P/A- Of Bankipur Machriyawa, P.S.- Fatuha, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party : Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 04-09-2024 This matter has been listed under the heading ‘For
Orders (on office notes)’.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
Daniyawar P.S. Case No. 163 of 2023 dated 27.06.2023
registered for the offences punishable under Sections 363 and
365 of the I.P.C.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have kidnapped the son of the
informant.

5. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the occurrence took place on 26.06.2023 and the F.I.R. has been lodged on 27.06.2023 after a delay of one day for which no explanation has been given by the prosecution. It is further submitted that only on suspicion the petitioner and the other co-accused persons have been made accused in the present case. The petitioner has no concern with the alleged offence. It is further submitted that from perusal of the F.I.R. itself, it appears that one Dipa Kumari has stated that three F.I.R. named accused persons including herself have kidnapped the victim when he was in his house. The real fact is that there was love affair between the victim and Dipa Kumari who is the sister-in-law (*Bhabhi*) of the petitioner and the petitioner always used to raise protest of their wrong act for which Dipa Kumari has falsely implicated the petitioner in the present case. It is further submitted that just after the next day, the victim came to his house and his statement under Section 164 of the Cr.P.C. has been recorded in which he has stated that on 26.06.2023 at 4.00 P.M., he went with his father at S.B.I. Daniyawar Branch but the bank was closed. He knows Dipa Kumari for 1-2 months as she met him in the marriage of his cousin's sister and she used to reside with her husband in Daniyawar in a rented room. On 26.06.2023 at 4.00 P.M., she



called him at her room by saying that no one is here. He went there but she returned as no one was present there. When he came out from the house then the brother-in-law (*dewar*), namely, Kallu Kumar (petitioner) of Deepa Kumari and 6-7 boys took him in a *Tempo* to Patna where Kallu Kumar (petitioner) and Manish Kumar assaulted him with belt, fists and slaps, due to that, he sustained injuries on his hand, neck, chick and back. He has further stated that Kallu Kumar (petitioner) snatched his mobile and relieved him in the morning at 11.00 A.M. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 09.11.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Patna City, Patna in connection with Daniyawan P.S. Case No. 163 of 2023 with further condition:-

(I) The petitioner is directed to remain



physically present before the learned court
below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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