

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44262 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- BELAGANJ District- Gaya

Kundan Kumar S/O Madhesh Paswan @ Karu Paswan R/O Village- Serthua
Khurd, P.S- Khudaganj, Distt.- Nalanda (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harish Kumar, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Rajesh Kumar Chaudhary, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in Belaganj P.S. Case No.
10 of 2023, instituted for the offences punishable under Sections
366(A), 120(b) and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, petitioner
along with other co-accused persons had enticed informant's
daughter and kidnapped her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner further submits that there is no specific allegation attributed towards the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. There is inordinate delay of ten days in lodging the FIR. The statement of victim recorded under Section 164 of the Cr.P.C. states that co-accused Dipak Kumar had solemnized marriage with her and in this way only being the elder brother of the co-accused Dipak Kumar the petitioner has been implicated. The victim has also stated that there is no allegation of sexual assault against the petitioner. The petitioner has been remanded in this case on 24.01.2024 and has got one criminal antecedent in which he is on bail.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Belaganj P.S. Case
No. 10 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

