

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46365 of 2024

Arising Out of PS. Case No.-559 Year-2021 Thana- MANER District- Patna

Kundan Choudhary @ Kundan Kumar, aged about 26 years, Gender-Male,
Son of Kanshi Choudhary @ Ram Dahin Choudhary @ Ramadahin Chaudhari,
R/O Vill.- Khaspur, P.S.- Maner, Dist.- Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gaurav Kumar, Advocate
For the Opposite Party : Mr. Braj Kishore Pd.(App)

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

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Maner P.S. Case No. 559 of 2021 dated 02.08.2021 registered for the offence punishable under Section 366 of the I.P.C.

3. As per the prosecution case, the marriage of the informant Vicky Rai was solemnized with Lilawati Devi on 18.04.2012 and he has three children. On 25.07.2021, his wife has gone somewhere with Kundan Choudhary (petitioner). The petitioner Kundan Choudhary sometimes used to come to his house at *Goraiya Asthan* and talk to his wife secretly. The mobile number of the petitioner is 9708764855. The petitioner



called from Mobile Number 6200822688 to the Mobile Number 7677511666 which is registered in the name of the brother of the informant's wife that when your brother-in-law (*Jizaji*) shall come then his *amanat* would be returned.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the occurrence took place on 25.07.2021 and the F.I.R. has been lodged on 02.08.2021 after a delay of nine days for which no explanation has been given by the prosecution. It is submitted that from perusal of the F.I.R., it would appear that the wife of the informant went with the petitioner but it is surprising that he has not made any effort to stop them and he has lodged the present false case after a delay of nine days. The statements of the mother of the informant Kamla Devi and Shatrudhan Rai have been recorded which are in paragraph nos. 6 and 7 of the case diary in which they have not whispered a single word that the victim has gone with the petitioner rather they have categorically stated that she has gone somewhere without giving any information to them. The petitioner is a poor auto driver and he has no concern with the wife of the informant in any manner. It is further submitted that except the allegation as alleged in the F.I.R. by the informant



there is nothing on record to show or to connect the complicity of the petitioner in the alleged crime. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner and submitted that there is allegation that the wife of the informant went with the petitioner and still she is traceless.

6. Considering the aforesaid facts and circumstances of the case and the victim is still traceless, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner in accordance with law and on its own merit without being prejudiced of the order of this Court in connection with Maner P.S. Case No. 559 of 2021 pending in the court of learned J.M. Ist Class, Danapur.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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