

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62695 of 2024

Arising Out of PS. Case No.-541 Year-2023 Thana- VAISHALI District- Vaishali

Kunal Kumar Rai @ Kunal Kishore, aged about 22 years, Male, Son of
Prabhu Ray, R/O Village- Bhagwatpur, P.S.- Vaishali, District -Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. Gulshan Kumar, Son of Lalan Singh, R/O Village- Rampur, Doril, P.S. and
Dist- Vaishali.
3. Sakshi Kumari, Daughter of Ajay Kumar Singh, R/O Village- Bhagwatpur,
P.S.- Vaishali, District -Vaishali.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, A.P.P.

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

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 3 and learned Additional
Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Vaishali (Belsar O.P.) P.S. Case No. 541 of 2023 dated
11.12.2023 registered for the offences punishable under
Sections 365 and 366/34 of the I.P.C. in which cognizance has
been taken for the offences punishable under Sections 363,
366A, 376 of the I.P.C., Section 4 of the POCSO Act and 9 of
the Prohibition of Child Marriage Act.

3. As per the prosecution case, the petitioner and the



co-accused persons are alleged to have abducted the wife of the informant after their reception party. It is further alleged that gold ornaments of Rs. 3,00,000/- and Rs. 40,000/- in cash and bag were also found missing.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the victim has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded in which she has stated that she called Kunal Kumar Rai, (petitioner) on the alleged date of occurrence and went to Mumbai with him with her own will and performed marriage with him on 13.12.2023 as her marriage with the informant was performed without taking her consent and making undue pressure upon her but the learned Magistrate took cognizance against the petitioner and other co-accused persons on 27.07.2024. It is further submitted that other co-accused person, namely, Prabhu Rai has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 30299 of 2024 under order dated 20.05.2024, annexed as Annexure-4 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 13.07.2024 in this



case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner. However, learned counsel for the opposite party no. 3 has submitted that there was love affair between the petitioner and the opposite party no. 3 and the opposite party no. 3 of her own will performed marriage with the petitioner and she wants to live with the petitioner.

6. Considering the aforesaid facts and circumstances of the case as the nature of allegation against the petitioner, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Special Judge, POCSO, Hajipur at Vaishali in connection with Vaishali (Belsar O.P.) P.S. Case No. 541 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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