

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67327 of 2024

Arising Out of PS. Case No.-493 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Kundan Kumar Son of Kishori Yadav R/o Village- Islamnagar, P.S.-
Chandradip, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-10-2024 1. Heard learned counsel for the petitioner and the learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 363, 366A and 34 of the
Indian Penal Code.
3. The learned counsel for the petitioner submits that the
petitioner has antecedent of one case, but the said case was instituted
by the father of the victim of the present case. The learned counsel
next submits that informant alleges that her minor daughter was
kidnapped by the accused persons including the petitioner. It is
further submitted that the girl till date has not come back. It is next
submitted that earlier the father of the victim had instituted
Chandradip P.S. Case No. 124 of 2021 against the accused persons
including the petitioner with the same allegation, but the police after
investigation submitted Final Form being Final Form No. 166 of



2021 dated 31.12.2021.

4. The learned counsel for the petitioner next submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the date of occurrence is 06.02.2022 and the F.I.R. came to be instituted on 11.06.2022 i.e. after a delay of more than four months, which casts an aspersion on the case of the prosecution. It is next submitted that during the course of investigation, it transpired that one of the relatives of the victim namely Sobha Devi had seen the accused persons kidnapping the victim by a Bolero vehicle. It is thus submitted that if what has come during the course of investigation is true then definitely Sobha Devi would have informed the informant about the same and the said fact would have found mention in the F.I.R. but then the said fact is missing when the F.I.R. came to be registered after more than four months of the occurrence, which creates a doubt on the case of the prosecution. the informant was informed by Sobha Devi about the occurrence which further creates doubt on the case of the prosecution. However, it is submitted that the petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of



his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Lakhisarai (Kabaiya) P.S. Case No. 493 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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