

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3802 of 2025

Arising Out of PS. Case No.-825 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Gunjan Kumar S/o Dinesh Rai R/o Vill.- Chakkaya, Chakiya, Chahebha, P.S.-
Hajipur Sadar, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raunak Kumar Singh, Advocate. Mr. Ravish Mishra, Advocate.
For the Opposite Party/s	:	Mr.Pradeep Narain Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-02-2025 Heard Mr. Raunak Kumar Singh, learned counsel

along with Mr. Ravish Mishra, learned counsel appearing on

behalf of the petitioner and Mr. Pradeep Narain Kumar, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Hajipur Sadar P.S. Case No. 825 of 2023 registered for the
offence punishable under Sections 363 and 365 of the Indian
Penal Code.

3. As per the allegation made in the F.I.R., petitioner
along with other co-accused is said to have kidnapped the wife
of the informant.

4. Mr. Raunak Kumar Singh, learned counsel
appearing on behalf of the petitioner submitted that the wife of



the informant had willingly accompanied the petitioner and she has not made any complaint against the petitioner. Learned counsel has relied upon the law laid down by the Apex Court in the case of **Joseph Shine v. Union of India, (2019) 3 SCC 39**, wherein the Apex Court has held that Section 497 IPC is violative of Articles 14, 15(1) and 21 of the Constitution being manifestly arbitrary, gender discriminatory, encroachment into women's identity, dignity, liberty, privacy, sexual autonomy, freedom to make independent choice in matters of sexuality, hence struck down as unconstitutional.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the aforesaid law laid down by the Apex Court and the fact that the wife of the informant has never made any complaint against the petitioner and she has also informed that petitioner used to visit her house and they were acquainted with each other, I find that the petitioner has, prima facie, made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand)



with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 825 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically lose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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