

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13630 of 2025

Arising Out of PS. Case No.-353 Year-2018 Thana- ATRI District- Gaya

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Lallu Prasad @ Lallu Kumar Son of Bachu Yadav Resident of Vill- Katalpura,
P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kr. Choudhary, Sr. Advocate Mr. Bhola Kumar, Advocate
For the Opposite Party/s :		Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 26-05-2025 Heard learned Senior counsel Mr. Ashok Kr.

Choudhary appearing on behalf of the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks regular bail in connection with

Atri P.S. Case No. 353 of 2018 lodged on 02.10.2018, for the

offence punishable under Section 366(A) of the Indian Penal

Code.

3. The prosecution case as per the First Information

Report is that the informant's daughter went missing and his

wife disclosed that she had gone outside, but did not return



home. It has been further alleged that the informant had seen a person from a distance that a girl was being taken away by accused Lallu Prasad @ Lallu Kumar on a motorcycle who is the present petitioner and due to this fact, he has suspected that it is the petitioner who has kidnapped his daughter.

4. Learned Senior counsel appearing on behalf of the petitioner submits that it would be clear from the First Information Report itself that the informant has stated very vaguely that he saw the petitioner going with some girl on a motorcycle and subsequently, when he comes back home and realizes that his daughter is not at home, he has connected the dots and assumed that his daughter has been taken away by the petitioner. So far as the materials collected during the course of investigation is concerned, paragraph no.16 of the case diary containing the statement of one Anuj Kumar, who is the cousin of the victim girl, reveals that the victim was at his house at the relevant time and upon enquiry, she said that she had to go to the doctor and did not name anyone. The cousin of the victim girl, Anuj Kumar, has not raised any suspicion against the petitioner nor has he claimed that the petitioner was also present at his house. It has been further submitted that there are other witnesses also who have stated about the victim girl being at the



house of Anuj Kumar, but have not stated anything about the complicity of the present petitioner.

5. Learned Senior counsel further submits that it would appear from the statement of some of the witnesses that there was a love affair between the victim girl and the present petitioner due to which the petitioner has been made accused in the present case. Further, paragraph no.21 of the case diary would disclose that one girl had died by a train accident and when the informant was called to identify the said dead body, he refused to identify the dead body as that of his own daughter. But, however, he agreed that the clothes seemed to be of his daughter. Senior counsel has also pointed out that the present FIR has been lodged after a lapse of four days from the date of occurrence and no explanation has been tendered for such inordinate delay. The petitioner is in custody since 10.09.2024 having clean antecedent and charge-sheet has already been submitted.

6. Learned A.P.P. for the State opposes the prayer for bail and has referred to some mobile conversations between the petitioner and the victim girl. But the same would not be sufficient enough to establish the complicity of the petitioner in the said occurrence. The body of the girl has also been subjected



to post-mortem report and the cause of death has been shown as rail traffic injuries as suggested in the police inquest report.

7. Taking into consideration the present facts and circumstances of the case as well as the fact that the petitioner is in custody since 10.09.2024 having clean antecedent, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/Successor court, in connection with Atri P.S. Case No. 353 of 2018.

(Soni Shrivastava, J)

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