

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46828 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Kunal Kumar S/O Munna Rai @ Avtar Rai R/O Village- Sabalpur Hasti Tola,
P.S- Sonapur, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumari W/O Umesh Pd. Yadav R/O Village- Gangapur, P.S- Mushari, Distt.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar Thakur, Adv.
For the Opposite Party/s	:	Mr.Pronoti Singh, APP
For the Informant	:	Mr. Alok Kumar Alok, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 29-01-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 115 of 2024 instituted for the offences under Sections 363, 366(A) of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of kidnapping the daughter of the Informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



The matter has been compromised between the parties. The victim girl has also put her signature on the compromise petition. Learned counsel for the petitioner further submits that the statement of the victim girl has been recorded under Section 164 Cr.P.C. but, she has not made any adverse allegation against the petitioner. She has also not taken the name of the petitioner in her statement. There is two days delay in instituting the F.I.R. that too without there being any plausible explanation for the same. Charge-sheet has been submitted in this case. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.03.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation alleged against the petitioner is serious in nature. The Informant in the re-statement has corroborated her earlier statement. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner under Sections 363, 366(A) of the Indian Penal Code and Section 8/12 of the POCSO Act.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case,



the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hajipur Sadar P.S. Case No. 115 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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