

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47323 of 2025

Arising Out of PS. Case No.-14 Year-2025 Thana- Mufassil District- Khagaria

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Kundan Kumar, S/O Rambau Chaudhary, Resident of Village- Tiltrath Ward
No. 13, PS- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Khagaria (Muffasil) P.S. Case No. 14 of 2025, registered for the alleged offence under Sections 137(2)/96 of BNS, 2023.

03. As per prosecution case, the minor daughter of the informant went missing from her school and the name of he petitioner transpired as the person who enticed her away.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after three days of occurrence and it creates doubt over the prosecution case. There is no allegation that the petitioner kidnapped the daughter of the



informant, who is not even minor as she is aged about 19 years. She is not a student of the school as mentioned in the written report of the FIR. The statement of the victim girl was recorded under Section 183 of BNSS, but she did not make any complaint of any forceful act by the petitioner, rather she stated that she fled away with the petitioner. So, it was a consensual act on part of the victim girl. There is no allegation of any sexual assault against the petitioner, who is aged about 23 years. It is a case of elopement and the petitioner is in custody since 15.05.2025. The petitioner is having clean antecedent.

05. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the victim girl is minor as is apparent from the FIR.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the age of the petitioner, consensual nature of act of the victim girl, delay in lodging the FIR and the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Muffasil)



P.S. Case No. 14 of 2025, subject to the conditions mentioned in
Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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