

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68606 of 2024

Arising Out of PS. Case No.-193 Year-2024 Thana- SAUR BAZAR District- Saharsa

Kundan Yadav @ Kundan Kumar Son of Ghanshyam Yadav Resident of
Village - Nandlali, P.S. - Bihra, District - Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indradeo Yadav Son of Late Dukha Yadav Resident of Vilalge- Morkahi,
Ward No. 09, Ghabauli Purvi Police Shivar Pstpar, P.S.- Saur Bazar, Distt.-
Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navnit Kumar
For the Opposite Party/s : Mr.Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 15-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Saur Bazar P.S. Case
No. 193 of 2024 dated 02.03.2024 registered for the offences
punishable under Sections 363, 365, 366A of the Indian Penal
Code and Section 6/8 of POCSO Act.

3. As per the prosecution case, the petitioner and the
co-accused person are alleged to have kidnapped the daughter of
the informant for the purpose of marriage.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. The name of the petitioner has transpired in this case merely on suspicion. It is further submitted that as per para-52 of the case diary, the victim has already been recovered by police. Learned counsel has further submitted that there is nothing on record which shows that the victim was forced/seduced to have illicit intercourse with another person. The victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she went to Himachal Pradesh with the co-accused Santosh Kumar but she denied to marry him. Thereafter, she met the petitioner at Himachal Pradesh and after returning from Himachal Pradesh to Saharsa she solemnized marriage with the petitioner with her own will. The occurrence took place on 17.02.2024 but the FIR was lodged on 02.03.2024 and there is no explanation for this delay. The charge-sheet has been submitted against the petitioner. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 22.05.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saharsa in connection with Saur Bazar P.S. Case No. 193 of 2024, with the condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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