

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71062 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- PUSA District- Samastipur

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Kundan Kumar S/o- Vijay Bhagat Resident of village- Harpur Mohmadda PS-
Pusa District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prahlad Bhagat S/o- Late Rajendra Bhagat R/v- Digha Kurji Balupar Ps-
Digha Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate
For the State : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 137(2) and
87 of B.N.S., 2023.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a young boy
aged 18 years and the informant alleges that his daughter was
married to Rakesh about 17 years back and out of the wedlock
three children were born, the husband of the victim earned his
livelihood outside the state, next alleges that victim on 15.02.2025
left her matrimonial home for coming back to her parental home,
but did not reach home, thus alleges, based on suspicion, that



petitioner abducted the victim and in the occurrence Akhilesh was also involved.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that the victim was married to Rakesh about 17 years back, as such, the victim on the date of occurrence was about 35 years of age while the petitioner, a young boy, fell in trap of the victim since her husband was working outside for earning his livelihood. It is submitted that it absolutely does not stand to reason that on what basis, a suspicion was raised against the petitioner by the informant that he was instrumental in abducting the victim when she was not an eye witness to the occurrence which amply demonstrates that even informant was aware of their relationship. It is next submitted that when the instant FIR came to be instituted, the victim came back and her statement was recorded under Section 180 of B.N.S.S. wherein she has not supported the case of the prosecution rather has stated that since her in-laws were not maintaining her, as such, she left on her own volition for Delhi. It is submitted that in her statement recorded under Section 180 B.N.S.S., the victim did not even remotely suggest that petitioner was also involved in the occurrence but when her statement was recorded under Section



183 B.N.S.S., the victim with a view to save her marriage made a false statement that petitioner made her drink cold drink and thereafter she became unconscious and when she regained consciousness, she found herself in Delhi where petitioner forcefully established physical relation for 2-3 months and she became pregnant. Learned counsel for the petitioner reiterates and submits that the said statement of the victim under Section 183 B.N.S.S. has been made only to save her marriage.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, let petitioner, above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Pusa P.S. Case No.18 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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