

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82375 of 2024

Arising Out of PS. Case No.-258 Year-2022 Thana- BAHERA District- Darbhanga

KUNDAN KUMAR JHA S/O AJAY KUMAR JHA @ AJAY JHA R/o vill -
Antaur, P.s.- Bahera, Distt.- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Krishna Jha S/o Late Anil Kumar Jha R/o vill - Antaur, P.s .- Bahera,
Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the Respondents	:	Mr. Ajit Kumar, APP
		Mr. Rishi Raj Raman, Advocate
		Ms. Ruchi Mandal, Advocate
		Mr. Prashant Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2025 Heard learned counsel for the petitioner and learned
counsels for the respondents.

2. The petitioner seeks bail in connection with a case
registered for the offence punishable u/s 366(A)/ 34 of IPC.

3. As per FIR, it is alleged that the minor daughter of the
informant had gone to attend tuition classes but she did not return
home till date. In course of search, the informant came to know
that all the FIR named accused persons including the petitioner
kidnapped her daughter.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence as
alleged in the FIR. No offence as alleged has ever taken place. He



has been falsely implicated in this case due to previous enmity. It is submitted that the petitioner was not present at the place of occurrence when the occurrence took place. It is also submitted that statement of the victim was also recorded under Section 164 of the Cr.P.C. in which there is no specific overt act attributed against the petitioner. The petitioner has no criminal antecedent and he is under custody since 12.09.2024.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail and submits that petitioner has circulated the photos of the victim on whatsapp and other social media platforms but learned counsel for the petitioner submits that this fact is not true and is not mentioned anywhere in the case diary.

6. Considering the facts and circumstances of this case, period of custody and since there is no specific overt act attributed against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Bahera P.S. Case No. 258 of 2022 with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is



relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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