IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49560 of 2026

CNR No. BRHC010694872026

Arising Out of PS. Case No.-25 Year-2026 Thana- Bargaon District- Darbhanga

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Kundan Yadav @ Kundan Kumar Yadav S/o Ram Udgar Yadav @ Ram Vinod Yadav @ Vinod Yadav R/o Village- Pawra, P.S- Bargaon, Dist- Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Baidyanath Prasad, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP
Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 23-11-2026 Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bargaon P.S. Case No. 25 of 2026, F.I.R dated 22.03.2026 registered for the offences punishable under Sections 137(2), 87, 351(2)(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant alleged that her minor daughter had gone to school to appear in her annual examination but did not return home. On the next day, some schoolchildren informed her that after the examination, Raushan Kumar Yadav and Sandeep Kumar Yadav

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had forcibly taken her daughter to a maize field. The informant approached the father of Raushan Kumar Yadav, namely, Endal Yadav, who repeatedly assured her that her daughter would return. However, when she again approached him on 20.03.2026, Endal Yadav and other accused persons, including the petitioner, refused to disclose her daughter's whereabouts, abused her and chased her away. The informant suspected that Raushan Kumar Yadav and Sandeep Kumar Yadav had kidnapped her daughter for the purpose of marriage with the assistance of the other accused persons.

4. Learned counsel for the petitioner submits that the statement of the victim recorded under Section 180 of the BNSS is in conflict with her statement recorded under Section 183 of the BNSS. However, by referring to the allegations made in the First Information Report, it is submitted that there is completely different story which is said to have been lodged before the police, wherein the allegation of having taken the victim to the agricultural field has not been stated by the victim in her statements recorded under Sections 180 and 183 of the BNSS. However, at this stage, learned counsel for the petitioner, by referring to the order passed by the co-ordinate Bench in Cr. Misc. No. 50104 of 2026, submits that during the course of

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investigation, it surfaced that the victim was in love with Raushan Kumar @ Raushan Kumar Yadav and because of their intimate relationship, the victim went to the co-accused, who has been allowed privilege of anticipatory bail. Thereafter, with the intervention of family members and upon the victim's return home, the instant case has been registered. Lastly, it is submitted that the petitioner has clean antecedent.

5. Learned APP for the State, after going through the case diary, submits that, insofar as the material in contradiction, as pointed out by learned counsel for the petitioner, is concerned, the same is apparent from the statements recorded under Sections 180 and 183 of the BNSS. However, looking to the nature of the allegations, the prayer for anticipatory bail is opposed.

6. Considering the aforesaid facts and circumstances, and taking into account the fact that the main accused, with whom the victim had gone and is said to have been in a love affair, has already been extended the privilege of anticipatory bail, as also the fact that the petitioner has clean antecedent, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a

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period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Biraul, Darbhanga in connection with aforementioned P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall

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desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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