

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73536 of 2025

Arising Out of PS. Case No.-104 Year-2022 Thana- KARJA District- Muzaffarpur

Kamlesh Kumar S/O Sone Lal Sahni Resident of Village- Kothiya (Badi Kothiya Sherpur), P.S.- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 11-02-2026 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Karja P.S. Case No. 104 of 2022, registered for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

3. Based upon the written report, it is alleged that on 18.04.2022, the informant did not return to his home and his mother had also gone at her relatives place. In the meanwhile, his wife alongwith her two years old son, left her house, without any information. It is further alleged that some unknown persons have enticed away the wife of the informant and while fleeing away, she also took away her ornaments and cash.



4. Learned Advocate appearing on behalf of the petitioner referring to the FIR contended that the FIR has been instituted against unknown miscreants, however, during the course of investigation, the wife of the informant was recovered from a rented house, where she has been residing with her paramour, co-accused Ranjan Kumar, alongwith her son. It is contended that the name of the petitioner has surfaced in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, wherein she has stated that on the fateful day, co-accused Ranjan Kumar had come with the petitioner, who have forcefully taken her away. The statement of the victim does not inspire any confidence that two persons had forcibly entered the house and taken away a married woman alongwith all her ornaments, cash and two years old son. The petitioner has nothing to do with the present case, but only on account of he being known to Ranjan Kumar, co-accused, his name has been implicated in this case. The petitioner bears fair antecedent and undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the complicity of the petitioner is writ large from the



statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the materials available on record, specially the fact the victim was recovered from a rented house alongwith her alleged paramour, besides the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, (West) Muzaffarpur in connection with Karja P.S. Case No. 104 of 2022, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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