

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6517 of 2026

Arising Out of PS. Case No.-440 Year-2020 Thana- KISHANGANJ District- Kishanganj

Durgesh Lal Harijan @ Durgesh Harijan son of Vimal Lal Harijan Resident of
Village -Tola Baigana Police Station- Terhagachh District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 10-04-2026 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner has prayed for bail in connection with Sessions Trial No. 335 of 2025 arising out of Kishanganj P.S. Case No. 440 of 2020 registered for the offence punishable under Sections 363, 366 and 34 of the Indian Penal Code.

3. The case of the prosecution, in short, is that the wife of the informant has gone to the bank with her minor daughter. When she did not return, the informant started searching for her, and he came to know that the petitioner, along with others, had abducted her.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also



submits that from perusal of the FIR, it is clear that the date of occurrence is 05.11.2020, whereas the FIR was lodged on 21.11.2020 after the passage of sixteen days, and the delay has not been explained. He further submits that during the course of the investigation, the victim was recovered, and she has given her statement recorded under Sections 161 and 164 of the Cr.P.C. In her statement under section 161 of the Cr.P.C., she has stated that she was enticed by the petitioner and others, whereas in her statement u/s 164 of the Cr.P.C., she has stated that she was forcefully kidnapped. Her hands and legs were tied. From perusal of the statement u/s 164 of the Cr.P.C., it is clear that she had returned after five days, whereas the FIR was lodged after sixteen days of the occurrence. He further submits that the versions of the victim u/s 161 and 164 of the Cr.P.C. are contradictory. It is further submitted that similarly situated co-accused persons have been granted bail by a Bench of this Court vide order dated 26.03.2026 passed in Cr. Misc. No. 91398 of 2025. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and they are languishing in judicial custody since 23.09.2025.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Kishanganj in connection with Sessions Trial No. 335 of 2025 arising out of Kishanganj P.S. Case No. 440 of 2020.

(Ashok Kumar Pandey, J)

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