

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50773 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Prabhu Sharma.
 2. Ranjeet Sharma @ Ramjit Sharma, both sons of Ramanand Sharma.
 3. Ramanand Sharma, son of Late Shiv Govind Thakur.
- All Residents of Village- Mathurapur, P.S.- Turkauliya, District- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 11-12-2015 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Motihari Mahila Police Station Case No.26 of 2015 registered
under Sections 341, 323, 504, 506, 313, 315 and 366(A)/34 of the
Indian Penal Code besides Sections 4/6 of the POCSO Act.

The allegation of the informant is that the co-accused Raj
Kumar Sharma made physical relation about three years with her
on giving the assurance of performing the marriage. She had also
conceived pregnancy about one year earlier but that was get
aborted by the co-accused, Raj Kumar Paswan by operation. The



co-accused, Raj Kumar Sharma also, asked the informant that he will perform the marriage with her after the marriage of his sister and on this assurance, she continued physical relation with the co-accused, Raj Kumar Paswan, which was also in the knowledge of the family of the informant. Although the marriage of the sister of the co-accused, Raj Kumar Paswan, has been performed but he was avoiding to perform the marriage with her. In the Panchayati held on 03.04.2015, the co-accused, Raj Kumar Sharma, accepted to perform the marriage with the informant on 07.04.2015 but on 06.04.2015, all the petitioners alongwith 4-5 unknown persons either get removed the co-accused, Raj Kumar Sharma or concealed him anywhere. On that day at about 07.00 P.M. in the evening all the petitioners armed with deadly weapon came and giving threatening and abusing, assaulted the informant and asked to kill her entire family.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that it was co-accused, Raj Kumar Sharma, who made physical relation with the informant giving assurance to perform the marriage but the petitioners who are brothers and father of the aforesaid co-accused, Raj Kumar Sharma, have falsely been implicated in this case with the allegation of giving threatening to the informant.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender within four weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Morihari, in connection with Motihari Mahila Police Station Case No.26 of 2015, subject to the conditions laid down under Section 438(2) Cr. P.C.

(Rajendra Kumar Mishra, J)

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