

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22947 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -BALRAMPUR District- KATIHAR

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1. Suresh Sharma, Son of Subodh Sharma,
 2. Arjun Sharma, Son of Madru Sharma,
 3. Dharmendra Sharma @ Dharmendra Kumar Sharma, S/o Madru Sharma,
 4. Mukesh Sharma, Son of Chatan Sharma,
 5. Mukesh Kumar Singh, Son of Hari Narayan Singh, All resident of Raushanganj, P.S. Balia Belone, District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in Balrampur P.S.Case No.35 of 2015 instituted under Sections 363, 364 and 372/34 of the Indian Penal Code, pending in the court of learned CJM, Katihar.

It is alleged by the informant that co-accused Anuj Kumar Sharma as well as the petitioners Mukesh Sharma and Mukesh Kumar Singh were student of Balia Belone High School. It has come during investigation that daughter of the informant, namely, Gyatri Kumar @ Chumki Kumari and his son Gorakh Nath Mahto were residing at village Narayanpur in the house of their uncle



(Phupha), namely, Mahendra Das @ Thekua Das and co-accused Anuj Kumar Sharma is the neighbour of said Mahendra Das and both Gayati Kumari @ Chumki Kumari and co-accused Anuj Kumar Sharma were having love affair since one year ago. Both victim Gayatri Kumar and co-accused Anuj Kumar Sharma used to go to coaching Institute on bicycle and thereafter again at 10.30 A.M. both of them used to go to classes and both of them were in love with each other. It is also submitted that it is not a case of kidnapping and the informant's case is completely concocted story.

It has been submitted on behalf of the petitioners that petitioners have got no criminal antecedent. Petitioners have falsely been implicated in the present case. From perusal of the case diary of paragraphs no.89,90,91,92, 94, 95, 96 and 97, it is evident that the victim girl was in love affair with co-accused Anuj Kumar Sharma for last one year and the petitioners are family members of the said Anuj Kumar Sharma, hence they have been named in the present case. The victim girl is said to have been recovered from the possession of said Anuj Kumar Sharma which is evident from paragraphs no.47 and 60 of the case diary.

On behalf of the State, it has been submitted that the victim girl is a minor and her 164 Cr.P.C. was also recorded where

she had made specific allegation against the petitioner.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

Any how, if the petitioner surrenders in the court below within a period of four weeks and pray for regular bail, same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sudhir Singh, J)

B.Kr./-

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