

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42759 of 2016

Arising Out of PS.Case No. -118 Year- 2012 Thana -KUDRA District- BHABHUA (KAIMUR)

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Santu Sharma @ Santu Aafari S/o Ambika Sharma Resident of village -
Kudra, P.S. Kudra, District - Kaimur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 24-11-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Kudra P.S. Case No. 118 of 2012 registered for the offences
punishable under Section 366(A) of the Indian Penal Code.

The statement of victim was recorded on 27.07.2015
under Section 164 of the Cr.P.C. in which she stated that three to
four years ago she solemnized her marriage with petitioner by her
own sweet will and started residing with her husband at Bhopal.
She also stated that on 26.07.2015, she came to her natal home
from Bhopal and thereafter, went to police station and after that

she was brought to court for recording her statement. The victim disclosed her age as 19 years. The learned Sessions Judge rejected the prayer for anticipatory bail of the petitioner on the ground that petitioner had already been declared absconder and the victim was only 15 years of age at the time of alleged occurrence. However, it is apparent from the impugned order that after marriage victim gave birth to a child and she has been residing with petitioner since the time of her marriage at Bhopal.

Submission on behalf of the petitioner is that petitioner was residing at Bhopal with the victim after marriage and as a matter of fact, he had no knowledge about the present case. However, when victim came to her natal place and got recorded her statement under Section 164 of the Cr.P.C, the fact of institution of the present case came to the notice of the petitioner.

No doubt, petitioner appears to have been declared absconder by the court but in the above stated special circumstance, I think it proper to extend the privilege of anticipatory bail to petitioner. Accordingly, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two

sureties of the like amount each to the satisfaction of the Chief
Judicial Magistrate, Kaimur at Bhabua in Kudra P.S. Case No. 118
of 2012 subject to conditions as laid down under Section 438(2) of
the Cr.P.C.

(Hemant Kumar Srivastava, J)

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