

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53654 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -GOVINDPUR District- NAWADA

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1. Suresh Sharma, S/o Late Ramkishun Sharma.
 2. Mukesh Sharma, S/o Suresh Sharma.
 3. Banti Sharma, S/o Suresh Sharma. All are resident of Village- Mahanandpur, P.S.- Deep Nagar, District- Nalanda at Biharisharif.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Govindpur P.S. Case no. 70 of 2015, registered under Sections 341, 323, 366(A), 376, 354 and 379/34 of the Indian Penal Code, pending in the Court of Chief Judicial Magistrate, Nawada.

The allegation of complainant/informant Mahendra Kumar Sharma is that he performed the marriage of his elder daughter Sanju Sharma with Jitendra Sharma. The said Jitendra Sharma used to reside at Lucknow in connection with his livelihood and her daughter Sanju Sharma lives with her in-laws, where she was being tortured by other family members. On 31.01.2015, the minor daughter of the informant had gone to the market from where, Dipak Sharma, other son of petitioner No. 1, along with others took



her on motorcycle on the pretext that her sister Sanju Sharma is ill and he took her at Patna from where she was served with edible material and after taking the same she became unconscious. Thereafter, Dipak Sharma along with three others, on the point of pistol, gave threatening to her and co-accused Dipak Sharma committed rape upon her and put Sindur at her head also took her signature on stamp papers and some photographs of daughter of the informant was also taken by them. Later on, Dipak Sharma took her daughter at his village Mahnandpur from Patna. When informant came to know about the occurrence then he went to Mahnandpur village where he was abused by petitioners and other family members, but anyhow informant succeeded to carry out his both daughters. Thereafter, on 15.04.2015, Dipak Sharma along with Rahul Sharma and three other unknown came at his house and started abusing the informant and threatened to lift his daughter Anju. When informant made protest then they assaulted them with fist and slaps.

Learned counsel for the petitioners submits that, in fact, the petitioner No. 1 is the father-in-law of the elder daughter of the informant and petitioner Nos. 2 and 3 are brother-in-law of the elder daughter of the informant and they have falsely been implicated in this case. Further submission is that victim Anju has stated about petitioner no. 2 and 3 that they put her in pressure to perform marriage with Dipak Sharma, but she has not stated anything regarding indulgence of Petitioner No.1 Suresh Sharma.

Having regard to the facts and circumstances of the



case, let the petitioner No.1 Suresh Sharma be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada in connection with Govindpur P.S. Case No. 70 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner No. 2 Mukesh Sharma and petitioner No. 3 Banti Sharma are concerned, having considered the facts and circumstances of the case and the nature of allegations against the said petitioners, I am not inclined to grant anticipatory bail to the petitioners Mukesh Sharma and Banti Sharma. Accordingly, their prayer for grant of anticipatory bail stands **rejected**. They are directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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