

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14207 of 2016**

Arising Out of PS.Case No. -9 Year- 2016 Thana -RAGHUNATHPUR District- SIWAN

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1. ARBIND KUMAR SHARMA @ ARBIND SHARMA S/o Sri Heeralal Sharma resident of village - Sultanpur, P.S. - Raghunathpur, District - Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Iftekhar Mahmood (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      01-04-2016      Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 366, 366A/ 34 of the Indian Penal Code.

The prosecution case is that on 25.11.2015 wife of the informant and his minor daughter were walking near the Panchayat Bhawan. In the meanwhile, co-accused Vijay Sharma and Praduman Mali abducted the daughter of the informant through a Bolero vehicle. It is alleged that co-accused Radhey Shyam Sharma, Sujit Sharma, Hiralal Sharma and petitioner were also present at the place of abduction, who pushed the wife of informant and took away the minor daughter of the informant. In

164 Cr. P. C. statement the victim got recorded her age as 17 years when the court also assessed her age as such though in the medical opinion her age was found between 19-20 years. In her statement under Section 164 of the Cr. P. C. the victim has stated that during the abduction the petitioner was present in company of Vijay Sharma but she was taken to New Delhi and there Vijay Sharma established physical relationship with her and she was assaulted by others.

It is submitted by the learned counsel for the petitioner that it is admitted in the FIR that informant's wife was with the victim when she was abducted on 25.11.2015 but the case was lodged on 28.01.2016. The petitioner has been roped in simply because he is uncle of main accused Vijay Sharma but the petitioner claims to be separate from Vijay Sharma. Statement has been in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the delayed lodging of the case, in the statement under Section 164 of the Cr. P. C. the thrust of accusation has been levelled against co-accused Vijay Sharma and the victim has been found to be major, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve 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 learned ACJM-IV, Siwan in connection with Raghunathpur P.S. Case No. 9 of 2016, G.R. No. 332 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Dinesh Kumar Singh, J)**

BKS/-

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