

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42998 of 2017

Arising Out of PS.Case No. -51 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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1. Kapil Sharma, S/o Raghu Sharma @ Raghunandan Sharma,
 2. Runa Devi, W/o Kapil Sharma, Both resident of Village- Sharma Tola Simri Bakhtiyarpur, P.S.- Simari Bakhtiarapur, District- Saharsa.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shiva Shankar Sharma, Advocate.

For the Opposite Party : Mr. Sakir Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are languishing in custody since 20.06.2017, 17.06.2017 and 17.06.2017 respectively in a case for the offence registered under Sections 494, 498, 366(A) of the IPC. Later on, Sections 376, 120(B) of the IPC and 4 of POCSO Act were added.

The prosecution story, in brief, is that the accused persons including the petitioners enticed away the daughter of the informant.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent.



Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners are not named in the F.I.R. The petitioners have falsely been implicated in the present case due to mistake of fact. The victim has been examined under Section 164 Cr. P.C. The main allegation has been made against co-accused, namely, Brahamdeo Sharma. There is no allegation of physical or sexual abuse against the petitioners. The petitioner no.2 is a lady.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa in connection with POCSO Case No. 22/2017, arising out of Bakhtiarpur P.S. Case No. 51/2017.

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(Sudhir Singh, J)

