

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6914 of 2018

Arising Out of PS.Case No. -139 Year- 2017 Thana -SONBERSA District- SAHARSA

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Shambhu Sharma @ Shambhu Badhai, Son of Laxmi Bhadhai, Resident of
Village- Sonpura, P.S.- Simri Bakhtyarpur, (Balbahat O.P.), District-
Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Sonbarsa Raj P.S. Case No.139 of 2017 registered under
Sections 363, 366(A), 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the
victim girl has made statement under Section 164 Cr.P.C. as
contained in Annexure-2 wherein she has stated her age as 18
years. She has made a categorical statement that she had gone on
her own will and volition with the accused Shambhu Sharma and
both of them have married. She also made statement that the
accused Shambhu Sharma has not committed any illegal act with



her and that she wants to live with her husband. She has also stated that she does not want to live with her parents. Learned counsel has also pointed out from the medical report that in the medical examination, no injury could be found on the pelvic region of the victim girl and the doctor did not find any sign of sexual assault though the medical report only vaguely says that her age is below 18 years.

Learned counsel submits that the victim girl, being wife of this petitioner, is living with him and this fact has also come in the impugned order.

Learned A.P.P. for the State is present.

Considering the nature of allegations and the statement of the girl under Section 164 Cr.P.C. that she has married with this petitioner and wants to live with him and not with her parents as also that her age has been shown as 18 years in the statement recorded under Section 164 Cr.P.C., I am inclined to grant privilege of anticipatory bail to the petitioner. In case of his arrest/surrender before the court below within four weeks, let the above named petitioner be enlarged on bail on furnishing bail bonds of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa in connection with Sonbarsa Raj P.S. Case



No.139 of 2017, subject to the condition as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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