

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12424 of 2018

Arising Out of PS.Case No. -149 Year- 2016 Thana -THAWE District- GOPALGANJ

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1. Sonu Sharma, Son of Shri Jai Kishun Sharma, Resident of Village- Usari,
P.O.- Hasanpura, P.S.- M.H. Nagar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava

For the Opposite Party/s : Mr. Arun Kumar Singh -5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-04-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

This is the second round of litigation. Earlier the prayer
of the petitioner for grant of bail was rejected vide order dated
23.11.2017, passed in Cr. Misc. No. 45928 of 2017.

Petitioner is languishing in judicial custody since
28.07.2017 in connection with Sessions Trial No. 653 of 2017,
arising out of Thawe P.S. Case No. 149 of 2016 for offences
punishable under Sections 363 and 366-A of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that his daughter Pragati Pandey, aged 16 years, went for her



coaching, but did not return. He suspected that one boy, who always used to talk to his daughter on mobile, number of which is indicted in the First Information Report, had kidnapped his daughter.

It has been submitted by the learned counsel for the petitioner that he is innocent, no such overt act has been committed, it is a case of love affair and the victim girl eloped with the petitioner and there is contradiction as from the case diary it appears that the victim girl was recovered from her house whereas from her statement under Section 164 Cr.P.C. it appears that she was recovered by the police on way from Jaipur to Delhi at Bareilly. He submits that charges have been framed and the petitioner undertakes to cooperate in the trial on day-to-day basis. He further submits that as per medical report the victim girl is a major as her age has been assessed as 17 to 18 years.

However, learned counsel appearing for the informant vehemently opposes the prayer for bail stating therein that the victim girl was kidnapped by the petitioner and taken away, as is evident from her statement under Section 164 Cr.P.C.

Learned APP for the State also opposes the prayer for bail.



Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-I, Gopalganj, in connection with Sessions Trial No. 653 of 2017, arising out of Thawe P.S. Case No. 149 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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