

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65821 of 2018

Arising Out of PS. Case No.-27 Year-2007 Thana- JAHANABAD District- Jehanabad

Chotu Sharma, Son of Satrugan Singh, Resident of Village- Hazisarai, P.S.- Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jehanabad P.S. Case no. 27 of 2007 registered under Sections 363 and 366A of the Indian Penal Code. Later on Section 376 and 120B of the Indian Penal Code and Sections 5 and 6 of the Child Marriage Prohibition Act were added.

Minor daughter of the informant namely Sunita Kumari is said to have been taken by Raju Kumar to Harihar Mela on the pretext of purchasing slipper and sweater for her, but from there he along with Sanjeev Kumar and his family members took her to Delhi where they mounted pressure upon her to perform marriage with Sanjeev Kumar



and said Sanjeev Kumar also forcibly committed rape against her twice.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. There is no allegation of either kidnapping or committing sexual assault upon the victim against the petitioner. Victim in her statement recorded under Section 164 Cr.P.C. has also not named the petitioner in the occurrence. Petitioner has been falsely implicated in the case merely because he happens to be brother of Sanjeev Kumar. He had no knowledge of lodging and proceeding of the case as he was working in Himachal Pradesh and was living there. However on regression to his house after years, he came to know about the factum of lodging and proceeding of the said case. No process issued against the petitioner has been served upon him. Moreover father of the petitioner namely Shatrughan Singh has been acquitted on trial. Hence he may be enlarged on bail.

On the other hand, learned APP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioner, 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 learned SDJM, Jehanabad in connection with Jehanabad P.S. Case no. 27 of 2007, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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