

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37420 of 2019

Arising Out of PS. Case No.-242 Year-2018 Thana- BIHRA District- Saharsa

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1. CHHOTU SHARMA Son of Yogendra Sharma Resident of Village - Bara, P.S.- Bihra, Distt - Saharsa.
 2. Madhu Devi Wife of Yogendra Sharma Resident of Village - Bara, P.S.- Bihra, Distt - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 20-06-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363, 366(A) IPC registered in connection with Special POCSO (POA) Case No. 55 of 2018, arising out of Bihra P.S. Case No. 242 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the victim girl in her deposition under Section 164 Cr. P.C. has made specific accusation against co-accused Vivek Kumar Sharma and his friend Raju Kumar in connection with her kidnapping and establishing physical relation and forcible marriage by Vivek Kumar Sharma. The petitioners have been implicated merely because they happen to be the brother and mother respectively of Vivek Kumar Sharma. The victim girl has not whispered the name of the petitioners as having played any role whatsoever in the occurrence, who claim clean antecedents.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of



communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, Saharsa, in connection with Special POCSO (POA) Case No. 55 of 2018, arising out of Bihra P.S. Case No. 242 of 2018. subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner no. 1 shall remain physically present and petitioner no. 2 shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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