

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6272 of 2020

Arising Out of PS. Case No.-395 Year-2018 Thana- KHAGARIA District- Khagaria

1. PAWAN SHARMA @ PAWAN KUMAR Son of Rajaram Sharma Resident of Village - Dhusmuri Bishanpur, P.S.- Khagaria (Mufassil), District- Khagaria
2. Rajaram Sharma Son of Nirdhan Sharma Resident of Village - Dhusmuri Bishanpur, P.S.- Khagaria (Mufassil), District- Khagaria
3. Manju Devi Wife of Rajaram Sharma Resident of Village - Dhusmuri Bishanpur, P.S.- Khagaria (Mufassil), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 366(A)/34 of the Indian Penal Code, registered in connection with Khagaria (Mufassil) P.S. Case No. 395 of 2018.

3. It is submitted that petitioners have been falsely implicated as is evident from the statement of the so-called victim girl recorded under Section 164 Cr. P.C. wherein she has categorically stated that she had voluntarily accompanied Vijay Sharma, brother of petitioner no.2 and no one had kidnapped



her. She has claimed her age to be of 20 years. It is therefore submitted that ingredients of Section 366(A) of IPC are not satisfied. The petitioners claim clean antecedents.

4. Be that as it may, in the event of petitioners' arrest or surrender before 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 bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Mufassil) P.S. Case No. 395 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) That the petitioner nos. 1 and 2 shall remain physically present in court on each and every date during trial



and petitioner no.3 shall be well represented in court on each and every date during trial, except as and when directed by the learned court below to be physically present and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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