

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83034 of 2019**

Arising Out of PS. Case No.-40 Year-2019 Thana- SALAKHUA District- Saharsa

ASHISH KUMAR @ JULUM SHARMA S/o- Late Bhupan Sharma R/o  
Ward No. 10, Village- Laxminea, P.S.- Salkhua, Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gyanendra Kumar Shukla, Adv.

For the Opposite Party/s : Ms.Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      14-01-2020      Heard learned counsel for the petitioner and the learned  
APP for the State.

The petitioner seeks bail in **Salkhua P. S. Case No. 40 of 2019** instituted for the offence under Section(s) 363, 366A, 372, 379 and 120B of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

The First Information report has been lodged alleging that the petitioner has taken away the daughter of informant. Apprehension has been cast in the First Information report that her daughter may be murdered or even sold by the petitioner. The other family members of the petitioner have also been implicated in the instant case as conspirators and facilitators of the abduction. It is, under such circumstances, that the petitioner is in custody since 30.07.2018. The alleged victim



was examined U/s 164 Cr.P. C.. It is pointed out by the petitioner's counsel that in her statement though she has stated about vermilion being forcibly put upon her but, she has specifically stated that she was not mistreated or that any immoral or illegal act was done by petitioner. The petitioner is also having no criminal antecedents and it is submitted that the petitioner is a victim of failed love affair between him and the victim on the pressure of the victim's parents. All other accused persons have been allowed bail. It is also submitted that from perusal of the anticipatory bail order of co-accused, namely, Manoj Sharma @ Manoj Das in Cr. Misc. No. 43818 of 2019, it has specifically been taken note of facts that on the basis of the victim's pan card, the age of victim girl, on the date of alleged occurrence, is more than 18 years.

The learned APP for the State opposed the prayer for bail .

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge -1-cum- Special Judge, POCSO, Saharsa**, in connection with **Salkhua P. S. Case No. 40 of 2019**, subject to the following



conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shyambihari/-

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