

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.615 of 2020

Arising Out of PS. Case No.-116 Year-2018 Thana- KARAHGAR District- Rohtas

1. Ganesh Sharma @ Ganesh Kumar Sharma Son of Satya Narayan Lohar @ Satya Narayan Sharma
2. Shri Kanti Devi @ Kanti Devi Wife of Satya Narayan Lohar @ Satya Narayan Sharma
Both Residents of Village-Chandanpura, Ward No.2, Police Station-Shivsagar, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Kargahar P.S. Case No. 116/2018 registered for the offences punishable under Sections 363, 366A, 376/34 of the Indian Penal Code and Section 4 of POCSO Act.

Initially, the case was registered under Section 363 of the Indian Penal Code against unknown persons but in course of investigation, Sections 366A, 376 of the I.P.C. and Section 4 of POCSO Act was added. However, the victim was recovered and



her statement was recorded under Section 164 of the Cr.P.C., in which she stated that she was not kidnapped by any person rather she had gone to the house of her maternal aunt. No doubt, the victim was found minor by the learned Magistrate, who recorded the statement of the victim but submission on behalf of the petitioner is that the victim was major at the time of alleged occurrence and she solemnised her marriage by her own sweet will with petitioner No. 1 and when the aforesaid fact came to the notice of informant as well as his other family members, they entered into the compromise.

Be as it may, the statement of victim recorded under Section 164 of the Cr.P.C. does not reflect any involvement or overt act of the petitioners.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that above named petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram/concerned court in Kargahar P.S. Case No. 116/2018 subject to conditions as laid down under



Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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