

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(From The Official Chambers Via Video Conferencing)
CRIMINAL MISCELLANEOUS No.19502 of 2021**

Arising Out of PS. Case No.-23 Year-2020 Thana- MAKER District- Saran

NITIN KUMAR SHARMA Son Of Ram Briksh Sharma @ Ram Brikash Sharma Resident Of Diti, Police Station- Maker, District- Saran At Chapra, Presently Residing At 7b, Beliaghata Road, Tangra, P.S.- Tangra, District- Kolkata

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Binod Singh
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 22-01-2022 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner.

The petitioner apprehends his arrest in connection with Maker P.S. Case No. 23 of 2020, registered for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

Laxman Sharma, the informant has stated in the FIR that his 15 years daughter did not return from her coaching. The informant has expressed suspicion that some unknown person has enticed her away with intent of marry her.

Learned counsel for the petitioner has submitted that there is delay of two months in lodging the FIR. He has also submitted that after recovery of the victim her statement under Section 164 of



Cr.P.C. was recorded, although, in first portion of her statement she has alleged that the present petitioner along with two persons kidnapped her but in the same statement she has also stated that a forcible marriage was solemnized with the present petitioner and she lived with him for a period of six months. Learned counsel for the petitioner has submitted that in six months she had opportunities but she could not raise voice.

From perusal of the statement under Section 164 of Cr.P.C. it also transpires that the petitioner had physical relations with the victim and thereafter petitioner and his family members refused to keep the victim with them.

In my view, it is not a fit case for anticipatory bail.

Accordingly, the anticipatory bail petition is rejected.

If the petitioner appears and files a petition for regular bail, the learned court below shall consider it without being prejudiced by this order and only on the basis of merits of the case.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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