

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15446 of 2022**

Arising Out of PS. Case No.-49 Year-2020 Thana- MAHILA P.S BAGHA District- West
Champaran

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Guddu Sharma Son of Kishor Sharma Resident of Village - Juna, P.S. -
Bhairoganj, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

Learned counsel for the petitioner is directed to make
correction in paragraph no. 7 of the present bail application in
course of the day.

Petitioner, who is in custody since 16.09.2021, seeks
regular bail in connection with Mahila P.S. Bagha Case No. 49
of 2020 registered for offences punishable under Sections
366(A)/34 of the Indian Penal Code and Section 8 and 12 of the
POCSO Act, 2012.

As per the allegation made in the FIR by the
informant, who is the brother of the victim that petitioner along



with other co-accused had committed offence under Section 366(A)/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that the victim, who is the sister of the informant was in love relationship with the petitioner and the same was objected by the informant. It is further submitted that a specific statement has been made in paragraph no. 14 of the bail application that parents of the petitioner have accepted victim as their daughter-in-law and after being released from care home she is living in the house of the petitioner. A co-ordinate Bench of this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 65899 of 2021 has already released the father of the petitioner. Petitioner has clean antecedent and he is in custody since 16.09.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the fact that the victim as per the statement made in paragraph no. 14 is now living in the house of the petitioner and his parents are treating her as daughter-in-law, the Court below is directed to verify the said fact and if it is found correct and the victim is major, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge cum Special Judge (POCSO), West Champaran, Bettiah in connection with Mahila P.S. Bagha Case No. 49 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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