

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20716 of 2022

Arising Out of PS. Case No.-108 Year-2020 Thana- KATIHAR NAGAR District- Katihar

Raj Kumar Sharma, S/o - Bhajo Sharma Resident of Village - Baulia, P.S. -
Manihari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binit Kumar

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 13-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Katihar
Town P.S. Case No. 108 of 2020, registered for the offences
punishable under Sections 363, 366, 376, 120(B) and 384
of the Indian Penal Code.

As per the prosecution case, emerging from the
FIR, the alleged victim, Golu Kumari was kidnapped by the
accused Chhotu Sharma and Tinku Sharma and their mother
with intent of her marriage with accused Chotu Sharma. A
forcible marriage was solemnized between Chotu Sharma
and the alleged victim. Allegation against the present



accused-petitioner is that he is father of Chhotu Sharma and Tinku Sharma and has played an active role in the forcible marriage between his son and the alleged victim.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that alleged victim is major and not minor. Her age is 18 years or more. He refers to the statement of the victim as recorded under Section 164 Cr.P.C., in which she has stated her age to be 18 years. He further points out that even as per the statement of the alleged victim as recorded under Section 164 Cr.P.C., the only allegation against the present accused-petitioner is that he has participated in forcible marriage between the alleged victim with his son Chotu Sharma. He also submits that investigation is complete and charge-sheet has already been submitted against the petitioner, keeping the investigation pending against other co-accused and after the whole investigation, the alleged role against the accused-petitioner is the same.

The petitioner has been languishing in jail since



07.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made accused in a case, namely, Manihari P.S. Case No. 151 of 1994.

However, the learned APP for the State fairly concedes that the only allegation against the present petitioner is as submitted by the Ld. Counsel for the petitioner and there is no other material against him in the entire case-diary.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. 1st Addl. Sessions Judge-cum-Spl. Judge, Katihar, in connection with Katihar Town P.S. Case No. 108 of 2020, **after framing of charge, if not**



framed, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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