

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38504 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- SANOKHAR District- Bhagalpur

1. SUBODH SHARMA, Son of Late Shiv Narayan Sharma, Resident of Village - Dhuwabe, P.S.- Sanokhar, District - Bhagalpur.
2. Krishna Kumar Sharma @ Krishna Sharma, Son of Subodh Sharma, Resident of Village - Dhuwabe, P.S.- Sanokhar, District - Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 31-01-2022 Heard learned counsel for the petitioners and Md. Fahimuddin, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Sanokhar P.S. Case No. 154 of 2020 registered for the offences punishable under Section 363, 365 of the Indian Penal Code. He is in custody since 16.01.2021 having no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioners submits that the victim girl and Sachin Kumar have returned and victim girl has made her statement under Section 164 Cr.P.C. It is submitted that the victim girl has stated that she had eloped with Sachin Kumar and had solemnized marriage with him in a Temple in



the State of Rajasthan and after knowing the fact regarding lodgment of the present case she came to Bhagalpur and surrendered before the police. She refuted the allegation that she was kidnapped by anyone.

Learned counsel submits that it is a case of love affair between the victim girl and the boy Sachin Kumar, these petitioners are father and brother respectively of the boy and only for that reason they have been made accused in this case and are in custody for one year. It is further submitted that the police had submitted final form showing them not sent up for trial but the learned Magistrate differed with the police report.

Learned A.P.P. for the State has not controverted the submission on behalf of the petitioners.

In the given facts and circumstances of the case, considering that in course of investigation no material was collected against the petitioners, they are father and brother respectively of the boy with whom the victim girl has married and no role of these petitioners have been assigned by the victim girl, this court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Bhagalpur in



connection with Sanokhar P.S. Case No. 154 of 2020 corresponding to G.R. No. 5138/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

