

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39761 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- ANTICHAK District- Bhagalpur

Sunil Kumar Sharma @ Sunil Kr. Sharma, Son of Damodar Sharma, Resident
of Village- Bhawanipur, P.S.- Amdanda, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Antichak P.S. Case No.02 of 2021 registered for the offence punishable under Sections 366/34 of the Indian Penal Code.

The informant has alleged that the petitioner with the aid of other co-accused persons has taken away his daughter for the purposes of solemnizing marriage.

The petitioner's counsel submits that based on statement of the victim recorded under Section 164 Cr.P.C. (Annexure 2), the prosecution case stands belied. Referring to the same, he submits that the victim has claimed to have solemnized marriage with the petitioner on her own volition and



as per the FIR as well as the deposition of the victim, it is obvious that the victim is aged 18 years.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions and especially having regard to the statement of the alleged victim recorded under Section 164 Cr.P.C., wherein she claims to have solemnized marriage with the petitioner on her own volition, being 18 years of age, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Bhagalpur, in connection with Antichak P.S. Case No.02 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will



also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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