

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36484 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- JANKINAGAR District- Purnia

NAVIN KUMAR SHARMA Son of Baleshwar Sharma Resident of Village -
Karbaili, P.S.- Kumarkhand, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code.

The informant alleges that petitioner used to come to teach his sister at home, further, on 22.04.2021 after tuition, both his sister and petitioner went missing, accordingly, he went to the house of the petitioner but there also he was not found, thereafter, called him on his mobile but his mobile was switched off, thus, alleges that petitioner eloped with his sister.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent. Learned counsel further submits that from bare perusal of the allegations as



alleged in the FIR, it would manifest that the victim and the petitioner were in love and the victim eloped with the petitioner as it has been alleged in the FIR also.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that it is not in dispute that petitioner and victim were teacher and student, the pious duty of teacher was breached, the victim is a minor and has supported the prosecution case, even if there are contradictions in her statement recorded under Section 161 and 164 CrPC, the same is not material as it is not in dispute that the relationship was one which required a duty, rather, a pious duty on part of the petitioner to ensure that the piousness of the relationship was not breached.

Considering the submissions made by learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

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