

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65899 of 2021

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

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Kishore Sharma @ Kishore Thakur S/o Late Jaggu Thakur R/o village- Jura,
P.S.- bhairganj, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-05-2022

Heard counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioner is in judicial custody since 7.9.2021 in
connection with Mahila P.S. Case No. 49 of 2020 registered
under sections 366A, 34 of the Indian Penal Code and Sections
8, 12 of POCSO Act, 2012.

As per the prosecution story, when the informant
along with his mother reached his house, he could not find his
sister, Chandani Kumari and on enquiry it was informed that she
had been taken by accused Guddu Sharma for the purpose of
marriage.

When the informant went to the house of Guddu



Sharma for enquiry, he was not present there and further allegation is that his parents abused him. Left with no alternative, this FIR was lodged.

The petitioner is the father of accused Guddu Sharma and as per the statement made in para-3 of the supplementary affidavit filed in this case, Guddu Sharma is in jail. The learned counsel for the petitioner has also brought on record the statement made by the victim girl under section 164 of the Cr.P.C. wherein she has stated that she married the said Guddu Sharma and wants to live with him. The medical report of the said victim girl has been annexed as Annexure-2 in which the doctors have opined her age to between 17 to 19 years.

Considering the aforesaid facts that the petitioner is the father of the accused Guddu Sharma and the allegation of taking away the victim girl has been attributed to the said Guddu Sharma, he does not have criminal antecedent, charge-sheet stands submitted and is in jail since 7.9.2021; this Court is inclined to grant him the privilege of bail. However, if it is found that the petitioner do have any criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of



like amount each to the satisfaction of Additional District & Sessions Judge Seven-Cum-Special Judge(POCSO), West Champaran, Bettiah, in connection with Mahila P.S. Case No. 49 of 2020 subject to the following conditions:-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(ii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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