

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36230 of 2023

Arising Out of PS. Case No.-20 Year-2022 Thana- NAUHATTA District- Saharsa

1. Ganesh Sharma @ Ganesh Vishwakarma Son of Mahendra Vishwakarma Resident of Village- Goriyari Chowk, PS- Forbisganj, District- Araria Bihar
2. Sonu Sharma Son of Ganesh Sharma @ Ganesh Vishwakarma Resident of Village- Goriyari Chowk, PS- Forbisganj, District- Araria Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Diwakar Prasad Singh, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. Two petitioners are apprehending their arrest in connection with Nauhatta P.S. Case No. 20 of 2022 giving rise to POCSO Case No. 54 of 2022, registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code and Sections 8, 10 and 12 of the POCSO Act.

3. It is alleged that the daughter of the informant was allured and taken away by Rahul Kumar Sharma, the son of petitioner no. 1 for the purposes of solemnization of marriage. It is further alleged that all the accused persons, including the



petitioners, were hand in glove in taking away the daughter of the informant.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners being the father and brother of Rahul Kumar Sharma, their names have been implicated in this case without there being any material. He next submits that the aforesaid fact has also been fortified for the simple reason that the police submitted final form No. 99 of 2022 against the said Rahul Kumar Sharma and so far the petitioners are concerned it has been categorically mentioned that the independent witnesses have not stated about the complicity of the petitioners in the present crime, however, still the investigation is going on against other FIR named accused persons, including the petitioners, which causes apprehension of arrest of the petitioners, hence the present application. He next submitted that the victim girl was recovered and her statement was also recorded under Section 164 Cr.P.C., however, she has not made any allegation against the petitioners.

5. On the other hand, learned counsel for the State opposed the bail application and submits that the victim girl is minor.

6. Regard being had to the submissions made on



behalf of the parties and considering the final report suggesting that no independent witnesses have supported the allegation of complicity of the petitioners in the present crime, apart from their fair antecedent and the statement of the victim girl, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Saharsa in connection with POCSO Case No. 54 of 2022, corresponding to Nauhatta P.S. Case No. 20 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

