

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37915 of 2022

Arising Out of PS. Case No.-528 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

AKSHAY KUMAR SON OF SRI DULARCHAND SHARMA @ SRI
DULARCHANDRA SHARMA R/O- VILL-BARBIGHI, P.S.- BALLIA,
DIST.- BEGUSARAI PRESENTLY R/O- MOHALLA- SHASTRI NAGAR,
HO-314, PATPARGANJ, P.S.- PANDAV NAGAR, DIST.- DELHI-110091

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 26-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.12.2021, in connection with Town P.S. Case No.528/2018,
F.I.R. dated 23.08.2018, for the offences punishable under
Sections 348, 366, 366 (A), 447, 448, 504, 506, 406 and 120(B)
of the Indian Penal Code.

According to prosecution case, the petitioner along
with other co-accused persons are alleged to have abducted the
minor daughter of the informant.

Learned counsel for the petitioner submits that from
bare perusal of the F.I.R./complaint petition, it appears that
initially the complaint petition was filed in the year 2016, which



was registered as Town P.S. Case No. 528 of 2018. He further submits that the petitioner has falsely been implicated in the present case and the allegation as alleged in the F.I.R. is false and fabricated. He further submits that in fact the petitioner was in love with the victim, who is daughter of the informant and they have performed the marriage on 16.05.2016 at Karpuri Asthan, Begusarai. He further submits that thereafter the daughter of the informant has filed Pandav Nagar P.S. Case No. 18 of 2017 under Sections 498(A), 406 and 34 of the Indian Penal Code against the petitioner. Thereafter the daughter of the informant also filed a maintenance case bearing Maintenance Case No. 46/2018 before the Principal Judge, Family Court, East district Delhi for getting maintenance under Section 125 of the Cr.P.C. Thereafter another case was filed by the daughter of the informant bearing Case No. 59028/2016 under Sections 12 of Domestic Violence Act before the Mahila Court-02, East district Karkardooma Courts, Delhi, which was dismissed for default for non-prosecution and non appearance vide order dated 09.04.2018. Learned counsel for the petitioner further submits that in view of the aforesaid, it is crystal clear that the present F.I.R. has been filed only to harass the petitioner and even the victim has refused for her medical examination in the present



case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.12.2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Sessions Judge-VI-cum-Special Judge, POCSO Act, Begusarai, in connection with Town P.S. Case No.528/2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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