

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48508 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- LADANIA District- Madhubani

SUNIL KUMAR SHARMA Son of Ramashish Sharma Resident of village -
Parsahi, P.S. - Ladaniya, Distt. - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 2 09-08-2023 1. Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.
2. Heard learned counsel for the petitioner and learned A.P.P. for the State.
3. The petitioner has preferred this application for grant of regular bail in connection with Ladaniya P.S. Case No. 137 of 2022 dated 22.5.2022 registered for the offence punishable u/s 363, 366A, 504 read with section 34 of the Indian Penal Code and 8 and 12 of the POCSO Act.
4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor grand daughter of the informant for the purpose of marriage.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated that she was in love affair with the petitioner and no one had kidnapped her forcibly. She went to the petitioner on her own will. Learned counsel has further submitted that she was not forced to have illicit relationship with anyone. There is no statutory compliance of Section 34(2) of the POCSO Act. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 1.5.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim was found pregnant for five weeks and 6 days as per medical examination and she is a minor girl.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Madhubani in connection with Ladaniya P.S. Case
No. 137 of 2022 with the condition:-

(i) The petitioner is directed to remain physically
present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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