

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.52743 of 2022

Arising Out of PS. Case No.-229 Year-2022 Thana- RAMNAGAR District- West Champaran

1. BHARAT SHARMA S/o Late Prabhu Sharma R/o Hardiya Thana, Ramnagar Zilla, West Champaran.
2. MUKESH SHARMA S/o - Suresh Sharma R/o Hardiya Thana, Ramnagar Zilla, West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53199 of 2022

Arising Out of PS. Case No.-229 Year-2022 Thana- RAMNAGAR District- West Champaran

1. SURESH SHARMA Son of Late Prabhu Sharma R/O Hardiya Thana, Ramnagar Zila, West Champaran.
2. Sindhu Devi @ Sindha Devi @ Sinda Debi Wife of Suresh Sharma R/O Hardiya Thana, Ramnagar Zila, West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52743 of 2022)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

(In CRIMINAL MISCELLANEOUS No. 53199 of 2022)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioners and

learned APP for the State as also the informant in Virtual Court

Proceeding.

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

The petitioners are apprehending arrest in
connection with Ramnagar P.S. Case No. 229 of 2022 under
section 363, 366(A),34 of the Indian Penal Code and under
Section 8 of POCSO Act.



As per the prosecution story, the informant has alleged that his minor daughter was taken away by Deepu Sharma, the son of the petitioner no.1 Suresh Sharma in Cr. Misc. No. 53199 of 2022 and till date, there is no trace of the girl.

Learned counsel for the petitioner submits that in Cr. Misc. No. 52743 of 2022 while Bharat Sharma is uncle of the Deepu Shama, Mukesh Sharma is his brother and they do have any role to play in the matter.

So far as petitioner no.2 namely Sindhu Devi @ Sindha Devi @ Sinda Debi in Cr. Misc. No. 53199 of 2022 is concerned, she is mother of Deepu Sharma and as such had not much role to play.

Learned counsel for the informant on the other hand submits that minor daughter of the informant is missing and the role of the family members specially his father cannot be overlooked.

Taking into account the aforesaid fact that minor daughter of the informant has still not returned, so far as the petitioner no.1 Suresh Sharma in Cr. Misc. No. 53199 of 2022 is concerned, this Court is not inclined to grant him any relief and the petition against him stands rejected.



Further, in view of the fact that Bharat Sharma in Cr. Misc. No. 52743 of 2022 is uncle, Mukesh Sharma is his brother and Sindhu Devi @ Sindha Devi @ Sinda Debi in Cr. Misc. No. 53199 of 2022, is mother, this Court is inclined to extend them relief considering the fact that they do not have criminal antecedents and will be available before the police as and when required.

Let the petitioner Sindhu Devi @ Sindha Devi @ Sinda Debi in Cr. Misc. No. 53199 of 2022 and the petitioners namely Bharat Sharma and Mukesh Sharma in Cr. Misc. 52743 of 2022 be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VII cum Special Judge, POCSO, Bettiah, West Champaran, in connection with Ramnagar P.S. Case No. 229 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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