

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68516 of 2023

Arising Out of PS. Case No.-377 Year-2023 Thana- JOGAPATTI District- West Champaran

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MUKESH KUMAR SHARMA SON OF SUNIL SHARMA @ JAA
SHARMA RESIDENT OF VILLAGE - MISHRAULI, BADAIYA TOLA,
WARD NO.11, P.S. - SANICHARI, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Dr. Mrityunjaya Kumar Gautam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-11-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Yogapatti (Sanichari) Police Station Case No. 377 of 2023 (S.G.R. No. 97 of 2023), dated 18.08.2023, disclosing offences under Sections 366 (A)/504/506/34 of the Indian Penal Code and 8/12 of the POCSO Act.
3. The prosecution case, as per the First Information Report, is that the daughter of the informant was forcefully abducted by the petitioner.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and there was love relationship between the petitioner and



the victim girl. Referring to the impugned order, learned counsel submits that the statement of the victim was recorded under Sections 161 and 164 of the Code of Criminal Procedure, in which she has admitted that both were in love for a very long period of time i.e. about last four years, and physical relationship was also there. The victim girl has further stated that after having knowledge about her courtship with the petitioner, the family members of the victim girl wanted to marry her somewhere else, therefore, she fled away with the petitioner and went to Delhi. He next submits that at the time of occurrence, the girl was around 17 years of age and it is a case of adolescent love.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the victim girl was minor at the time of occurrence and was having physical relationship with the petitioner. He next submits that there is specific allegation of abduction against the petitioner of the minor girl.
6. Regards being had to the submissions made on behalf of the parties and taking into consideration the statement of the victim girl recorded under Sections 161 and 164 of the



Code of Criminal Procedure and further that it is a case of adolescent love, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Special Judge, POCSO-cum-Additional District Judge-VI, West Champaran at Bettiah, in connection with Yogapatti (Sanichari) Police Station Case No. 377 of 2023 (S.G.R. No. 97 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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