

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66989 of 2022

Arising Out of PS. Case No.-199 Year-2022 Thana- NAUBATPUR District- Patna

Mangal Sharma @ Sanni Kumar, S/o Subhash Sharma, R/o Village- Pali, P.S.-
Naubatpur, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor for the
State.

The petitioner seeks bail in connection with Sessions
Trial No.942 of 2022 arising out of Naubatpur P.S. Case No.199
of 2022 registered for the offences punishable under Sections
363 and 366A of the Indian Penal Code.

The accused/petitioner is named in the FIR and is in
custody since 08.04.2022.

The allegation against the petitioner is to kidnap the
minor daughter of the informant, aged about 16 years, along
with other co-accused persons for the purpose of illicit
intercourse.

It is submitted by learned counsel for the petitioner
that implication is appearing false, which is arises out of non-



acceptance of relations by the parents of victim girl, where victim and petitioner were in love affairs. It is submitted that initially, while recording the statement under Section 161 of the CrPC, the victim has categorically stated that she has solemnized her marriage with the petitioner, but subsequently, she took a U-turn while recording the statement under Section 164 of the CrPC alleging thereof that the petitioner along with other co-accused persons kidnapped her. However, again, she took a U-turn and appeared before the court of learned ACJM-III, Danapur on 13.06.2022 and stated that she is being assaulted by her parents and she had married petitioner out of her own sweet will and refused to go with her parents, resulting she was sent to Child Welfare Committee, Patna. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned Additional Public Prosecutor, while opposing the prayer for bail, submitted that the allegation of kidnapping is specifically available against this petitioner.

In view of the above-mentioned facts and circumstances and by taking note of frequently changing



statement of victim where, she finally accepted to solemnize her marriage with the petitioner, coupled with the fact that charge-sheet has already been submitted in this case, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Danapur in connection with Sessions Trial No.942 of 2022 arising out of Naubatpur P.S. Case No.199 of 2022, subject to the conditions as mentioned under Section 439(3) of the CrPC.

(Chandra Shekhar Jha, J)

Sanjeet/-

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

