

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7167 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- TEKARI District- Gaya

1. Aashutosh Sharma @ Aashutosh Kumar @ Ashutosh Kumar Son of Purendra Sharma, R/o village - Ramnagar, P.S. - Tekari, Distt. - Gaya.
2. Aman Singh Rajput @ Niwas Kumar @ Aman Kumar @ Babu Singh Son of Sitaram Singh, R/o village - Gohpur (Gaharpur), P.S. - Tekari, Distt. - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. State

Appearance :

For the Petitioners : Mr. Aryan Singh, Advocate
For the State : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. Aryan Singh, the learned counsel for the petitioners and Mr. Khurshid Anwar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Tekari PS Case No. 340 of 2023, FIR dated 28.05.2023, registered for the offences punishable under Sections 363 and 366-A read with Section 34 of the Indian Penal Code.

3. According to prosecution case, one Saurav Kumar, for the purpose of solemnizing marriage, has abducted the daughter of the informant with the help of his associates. It is further alleged that the accused persons also threatened the



informant and his family members that they will commence the marriage forcefully.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case merely on the ground that petitioners are known of Saurav Kumar and they have also witnessed the marriage of Saurav Kumar with the victim. He further submits that the victim, in her statement recorded under Section 164 of the Cr.P.C., has firmly stated that she has performed marriage with Saurav Kumar and both the petitioners are witnesses of the said marriage. He lastly submits that the doctor who examined the victim found her above nineteen years of age, hence, no case is made out under POCSO Act in the present case.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that although petitioner no. 1 has no criminal antecedent, but petitioner no. 2 carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Gaya, where the case is pending in connection with **Tekari PS Case No. 340 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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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