

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14212 of 2024

Arising Out of PS. Case No.-2 Year-2023 Thana- SHAHKUND District- Bhagalpur

1. Sonu Sharma Son of Prakash Sharma Resident of Village- Radha Nagar,
P.S.- Sajour, District- Bhagalpur
2. Kunal Sharma Son of Prakash Sharma Resident of Village- Radha Nagar,
P.S.- Sajour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sahkund (Sajour) P.S. Case No. 2 of 2023 dated 01.01.2023 for the offence punishable u/s 366A and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, the co-accused brother of the petitioners enticed away the minor daughter of the informant and solemnized marriage with her. When the informant went to the house of the the petitioners, the accused persons tried to assault the informant and her family members.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this



case and no occurrence as alleged has ever taken place. Police investigated the matter and submitted final form and did not send up the petitioner for facing trial. However, the learned Special Court, POCSO Act, discarding the police report, took cognizance against the petitioners. Learned counsel further submits that the FIR has been registered after four days of the occurrence and there is no explanation for the same. No overt act has been levelled against these petitioners except the allegation that the petitioners abused and tried to assault the informant and her family members when they went to make inquiry. Learned counsel further submits that there was love affair between the co-accused and the daughter of the informant and they solemnized marriage and started staying at Haryana. Statement of the victim girl was recorded u/s 164 Cr.P.C wherein she stated that she eloped with the co-accused. The petitioners have got no criminal history.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as completely vague nature of allegation and further strong possibility of the false implication, let the above named petitioners, in the event of their arrest/surrender within a



period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Bhagalpur in connection with Sahkund (Sajour) P.S. Case No. 2 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

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