

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16505 of 2024

Arising Out of PS. Case No.-108 Year-2020 Thana- KATIHAR NAGAR District- Katihar

Chhotu Sharma Son Of Raju Kumar Sharma Resident Of Village - Baulia,
P.S. - Manihari, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binit Kumar, Advocate
For the State : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with Katihar (Sahayak) P.S. Case No.108 of 2020, corresponding to S.T. No. 49 of 2023 dated 05.02.2020 registered for the offences punishable under Sections 363, 366, 376, 120B and 384 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that the alleged victim, Golu Kumari was kidnapped by the Accused Chhotu Sharma (present Petitioner) and Tinku Sharma and their mother for solemnization of marriage, the alleged victim with the Petitioner, Chhotu Sharma and a forcible marriage was solemnized between Chotu Sharma and the alleged victim.



4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the alleged victim is a major and there was voluntary marriage between the two in temple and thereafter, both of them executed an affidavit before notary public, Katihar, wherein they have stated that they are major and they have solemnized their marriage in a temple. However, under pressure from the parents, the alleged victim has become hostile and gave statement against the Petitioner under Section 164 of the Cr. PC. He further submits that falsity of the case is further reinforced by the fact that the complaint has been lodged after six months of the alleged occurrence. He further submits that the Trial is not progressing. Though charge has been framed, no prosecution witness has been examined.

5. He further submits that the petitioner has been languishing in jail since 15.10.2022.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

9. Considering the major age of the victim as well as the affidavit of the Petitioner and the alleged victim before the notary public, Katihar and delay in trial, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Session Judge-Ist, Katihar in connection with Katihar (Sahayak) P.S. Case No.108 of 2020, corresponding to ST No. 49 of 2023 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

Ravishankar/
chandan/-

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

