

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22604 of 2024

Arising Out of PS. Case No.-492 Year-2023 Thana- CHANPATIA District- West Champaran

Sanjay Sharma SON OF VIJAY SHARMA @ VIJAY THAKUR RESIDENT
OF VILLAGE- SIRISIYA VISHWAS, PS- CHANPATIYA, DISTT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-07-2024 Heard Mr. Sarvesh Kashyap, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Chanpatiya P.S. Case No. 492 of 2023 for the offence punishable under Sections 363, 366(A), 34 of the Indian Penal Code and section 8/18 of the POSCO Act lodged on 10.8.2023 by the informant, Kalawati Devi.

3. As per the prosecution story, the lady informant alleged that her daughter was in regular conversation with the petitioner as also Sanjay Sharma and the two of them are close friends and on 07.08.2023, they took her daughter without any information and accordingly, the FIR.

4. Learned counsel for the petitioner submits that



admitted fact is that Shaktiman Kumar and the victim girl were in relationship, they disappeared and later solemnized marriage. He being the friend of Shaktiman Kumar, allegation against him is of helping them in elopement. He submits that the petitioner too is 19 years old and has recently cleared the +2 examination conducted by the Bihar School Examination Board, Patna. The last submission is that he is in custody since 18.1.2024 (para-18 of the petition).

5. Learned counsel has drawn attention of this Court to the order dated 26.4.2024 in Cr. Misc. No. 13586 of 2024 (Shaktiman Kumar) and submits that the so-called main accused has since been released on bail.

6. Learned APP opposes the prayer stating that the allegation against him is also of taking the victim girl.

7. Taking into account the aforesaid facts as also that Shaktiman Kumar has subsequently solemnized marriage, he is an associate, is in custody since 18.1.2024, do not have criminal antecedent, is a student, Shaktiman Kumar has been granted bail, as stated above, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of



like amount each to the satisfaction of learned Special Judge, POCSO cum Additional District Judge-Vith, West Champaran at Bettiah, in connection with Chanpatiya P.S. Case No. 492 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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