

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29347 of 2024

Arising Out of PS. Case No.-155 Year-2021 Thana- JHANJHARPUR District- Madhubani

Sharvan Kumar Son Of Mahesh Mahto Resident Of Village - Dhepura, P.S. -
Jhanjharpur (A.S.O.P.), District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate
For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Hriday Narayan Harshit, learned counsel
for the petitioner and Mr. Anil Kumar, learned A.P.P. for the
State.

2. The petitioner seeks bail in connection with
Jhanjharpur (A.S.O.P.) P.S. Case No. 155 of 2021 registered for
the offence under Sections 366A, 34 and 372 of the Indian Penal
Code.

3. As per the prosecution case, petitioner is said to
have kidnapped the minor daughter of the informant with the
intention to marry with the help of other co-accused persons.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He further
submits that the allegation as alleged is false and fabricated and
the petitioner has not committed any offence as alleged in the



FIR. He further submits that in fact the victim was in love with the petitioner and the victim with her own will has performed the marriage with the petitioner. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that she has performed marriage with the petitioner and is living with him in her matrimonial house and also stated that she is not willing to live with her parents and wants to live in her matrimonial house. He further submits that on the date of the occurrence the victim was major. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.05.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.VII Cum Special Judge, (POCSO Court) Madhubani in connection with Jhanjharpur (A.S.O.P.) P.S. Case No. 155 of 2021 with the following conditions:-

(i) One of the bailors should be the wife of the



petitioner, namely, Amrita Kumari.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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