

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44240 of 2024

Arising Out of PS. Case No.-273 Year-2023 Thana- SANGRAMPUR District- East Cham-
paran

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1. Shiv Pujan Sharma Son of Gauri Kunwar @ Gauri Sharma Kunwar R/O Vill.- Purvi Madhubani, P.S.- Sangrampur, Dist.- East Champaran At Motihari
 2. Rita Devi Wife of Shiv Pujan Sharma R/O Vill.- Purvi Madhubani, P.S.- Sangrampur, Dist.- East Champaran At Motihari
 3. Anjali Kumari Wife of Raja Rai R/O Vill.- Purvi Madhubani, P.S.- Sangram-
pur, Dist.- East Champaran At Motihari

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ramjulum Sharma Son of Late Yogesh Sharma R/O Vill.- Puvi Madhubani,
P.S.- Sangrampur, Dist.- East Champaran At Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioners apprehend arrest in connection with
Sangrampur P.S. Case No. 273 of 2023 dated 25.07.2023 instituted
for the offence punishable under Sections 366A/34 of the Indian
Penal Code and Section 7/8 of POCSO Act.

3. The prosecution case, in short, is that the petitioners
kidnapped the minor daughter aged about 13 years, of the infor-
mant with intention to perform her marriage. When the informant
went to the house of petitioner no. 1, the petitioners started abus-



ing him. It is also alleged that the petitioners kidnapped her daughter to marry with co-accused Shubham Kumar.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 1 is the husband of petitioner no. 2 and petitioner no. 3 is the daughter-in-law of the petitioner nos. 1 & 2. Learned counsel for the petitioners submits that the co-accused Shubham Kumar is the main accused in this case, who is brother of petitioner no. 3. Learned counsel for the petitioners further submits that the petitioner nos. 1 & 2 have no concern with Shubham Kumar. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State as well as learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the informant submits that on 13.03.2024, the process under Section 82 Cr.P.C. has been issued against the accused persons. As such, the present anticipatory bail application is not maintainable.

6. In view of the fact that the processes under Section 82 Cr.P.C. has already been issued against the petitioners, the present anticipatory bail application is not maintainable.

7. Accordingly, this anticipatory bail application is dismissed as not maintainable.



8. Petitioners are directed to surrender before the concerned court within four weeks and pray for regular bail. Thereafter the learned court below is directed to dispose of bail application of the petitioners on its own merit without being prejudiced by this order, preferably, on the same day.

(Khatim Reza, J)

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