

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53854 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- BARHARA KOTHI District- Purnia

Anil Kumar Sharma @ Amit Son Of Bijal Sharma Village- Naya Nagar,
Navtol, Ward No. 12, Ps- Udakisunganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 05-12-2024

Heard Mr. Vikram Singh, learned counsel for the

petitioner and Mrs. Gulnar Begum, learned APP for the State.

2. The petitioner is in judicial custody in connection with Barhara (Raghubansh Nagar) P.S. Case No. 41 of 2024 for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code, lodged on 11.02.2024 by the informant, Hira Devi.

3. As per the prosecution story, the informant alleged that her daughter has been taken away by one Poonam Kumari for cutting grass but she failed to return. As such, an allegation was made against the girl that she along with accused has taken her to unknown place which resulted into the F.I.R.

4. In course of the investigation, the people in the train at Prayagraj saw the victim girl traveling with accused



persons, this followed the presence of local Police and the arrest of the accused.

5. Learned counsel for the petitioner submits that though the girl has made allegation under section 164 of the Cr.P.C. against the accused persons, firstly the medical report shows that she is between 17 to 19 years of age, no spermatozoa was found in the medical examination, it is not the case of the victim girl that between Purnea to Prayagraj, she ever raised any alarm which clearly shows that the present petitioner have no role to play in the matter. It was just a coincidence that he was also traveling which led to his implication. The last submission is that he is in custody since 14.02.2024 (which has come by supplementary affidavit), has no criminal antecedent.

6. Learned APP, Ms. Gulnar Begum for the State opposes the prayer submitting that girl has alleged wrong doing against this petitioner also.

7. In this case, the coordinate Bench had called for the case diary and statement of the victim girl which are on record.

8. Considering the aforesaid submissions put forward by the parties as also the point raised by the petitioner that it is not the case that she was unconscious or unable to speak but never raised any alarm between Purnea to Prayagraj, the



medical report suggest that she is between 17 to 19 years, no spermatozoa has been found, charge sheet has already been submitted and an undertaking has been given that he will be diligently appearing in trial, taking into account his custody period since 14.02.2024 and further, he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

9. 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 Additional Chief Judicial Magistrate-II, Purnea in connection with Barhara (Raghubansh Nagar) P.S. Case No. 41 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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 appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) 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;

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

10. Nothing recorded in this order shall be taken up at the time of consideration at the trial as this has been only for consideration of bail.

(Rajiv Roy, J)

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