

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58026 of 2024

Arising Out of PS. Case No.-27 Year-2022 Thana- KASBA District- Purnia

Nand Kishore Kumar Sharma @ Nand Kishore Sharma Son Of Lal Mohan Sharma Resident Of Village - Ward No. 07, Gokhulpur Gokhapur, P.S. - Narpatganj, District - Araria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pinki Devi Wife Of Sadanand Mahto Resident Of Village - Kullakhash, Ward No. 03, P.S. - Kasba, District - Purnea
3. Khushbu Kumari D/o Sadanand Mahto R/o village- Kullakhash, Ward No. 03. P.S. - Kasba, District, Purnea
4. Deepa Kumari c/o Nand Kishore Kumar Sharma @ Nand Kishore Sharma, R/o village- Ward No. 07, Gokhalpur, P.S.- Narpatganj, Distt. - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Kasba P.S. Case No. 27 of 2022 dated 01.02.2022, instituted for the offence punishable under Sections 498A/366(A) of the Indian Penal Code and Section 10/11 of the POCSO Act.

3. The prosecution case, in short, is that the elder daughter of opposite party no. 2 is wife of the petitioner. It is alleged that on 02.12.2021, the petitioner along with one Vicky Sharma went to the house of opposite party no. 2 and stayed



there in night. On the next day it was found that minor daughter of opposite party no. 2, petitioner and Vicky Kumar were not present in the house. Thereafter, she tried to search her minor daughter but could not trace her out. Later, she raised suspicion that her daughter has been kidnapped by the petitioner and Vicky Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that despite receiving notice by the opposite party no. 3, she did not appear before this Court through his counsel. It is further submitted that opposite party no. 4 is full sister of wife of the petitioner. Learned counsel for the opposite party no. 4 submits that at the time of occurrence, she was aged about 17 years 11 months. It is submitted that wife of the petitioner resides in her parents house and her full sister, namely, Deepa Kumari (opposite party no. 4) resides with the petitioner with her own sweet will. It is also submitted that opposite party no. 4 has been recovered on 18.08.2023 and she has clearly stated that she is aged about 18 years and she had gone with her own will to elder sister's *sasural*. It is further submitted that the petitioner is ready to keep her wife and daughter with full dignity and honour but opposite party no. 2



(mother of opposite party nos. 3 & 4) is intervening in the conjugal life of the petitioner and his wife (opposite party no. 3). Lastly, it has been submitted that he has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kasba P.S. Case No. 27 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, Purnea, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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