

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84866 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- SAUR BAZAR District- Saharsa

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Anand Sharma Son of Shree Chhotelal Sharma Resident of Village-
Bajinathpur Sharma Tola, Ward No. 3/22, P.S. Sour Bazar, Bajinathpur, Dist.-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Sour Bazar P.S. Case No. 62 of 2024 registered for the alleged offences under Sections 366, 420, 376, 120B, 457 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, the petitioner forced the complainant/informant in establishing physical relationship with him. He also threatened her that her husband would be murdered. It is further alleged that the petitioner obtained signature of the informant on a blank paper and started claiming that he had solemnized marriage with her. Further allegation against the petitioner is that in the absence of husband of the



complainant/informant, he entered in his house and threatening the informant with pistol tried to commit rape with her.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner and the informant are next door neighbours. The petitioner is married and has four children. The petitioner supports his family by driving a private vehicle. The informant is also a married woman having two children. The husband of the informant and the petitioner are friends and the petitioner was trapped into establishing physical relationship by the informant. Wife of the petitioner has filed an informatory petition bearing no. 350 of 2023 before the learned Chief Judicial Magistrate, Saharsa on 13.03.2023. The petitioner and informant solemnized marriage and uploaded their photographs on social media and this falsifies the allegation of informant being kept under sedation. The informant wanted to stay in the house of the petitioner which was opposed by the wife and children of the petitioner and informant was forced to return to her husband's house and live with him and for this reason, this false case has been lodged. The informant refused to undergo medical examination. A *panchayati* was also held but the



informant demanded Rs. 10,00,000/- from the petitioner. The whole prosecution story is not believable that the complainant/informant was taken to Delhi and she did not raise any alarm. During investigation, nothing material has come up against the petitioner. The petitioner is in custody since 18.06.2024 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 62 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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