

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26346 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- RAJAON District- Banka

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1. Kabir Kumar Sharma @ Kabir Sharma Son of Pradeep Sharma Village- Dharmachak Ps- Rajoun District -Banka
 2. Pradeep Sharma son of Fullu Sharma Village- Dharmachak Ps- Rajoun District -Banka
 3. Mantoo Sharma son of Fuleshwar Sharma Village- Dharmachak Ps- Rajoun District -Banka
 4. Rekha Devi wife of Pradeep Sharma Village- Dharmachak Ps- Rajoun District -Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-08-2025 Heard Mr. Brij Nandan Prasad, learned counsel for
the petitioner and the State.

2. The petitioners are apprehending arrest in connection with Rajoun P.S. Case No. 88 of 2024 instituted under Sections 363 and 365 of the Indian Penal Code lodged on 12.02.2024 by the informant, Jageshwar Sharma.

3. As per the prosecution story, the informant alleged that she was married to this petitioner and blessed with a child but was tortured for dowry and as she was not found in the in-laws house, the Case.



4. Subsequently, the victim girl appeared before the Court and informed that she was at Deoghar and had to beg for her daily needs. The husband and the family members used to torture her and as she expected death threat from them, left the place.

5. Learned counsel for the petitioners submit that subsequently good sense prevailed upon the petitioners, the victim girl has been brought to their house, they are happily residing, recently the victim has been blessed with a child, this fact be recorded in his submission.

6. Learned APP though opposes the prayer submits that if the contention of the learned counsel for the petitioner is correct and she is residing and has been recently blessed with a child, relief can be granted to them cautioning them not to indulge in any such activities.

7. Taking into account the submissions of the parties as also the subsequent development as narrated above, this Court is inclined to extend them the privilege of anticipatory bail. If however, it is found that the statement regarding the presence of the victim girl in the in-laws house as also the delivery of the child are incorrect, the order shall become infructuous.



8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Rajoun P.S. Case No. 88 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Banka subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

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

(Rajiv Roy, J)

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