

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57320 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- DHAKA District- East Champaran

Virendra Sharma Son Of Vilas Sharma Resident Of Village - Baswariya,
Laxmichauk, P.S. - Mehrol (O.P.), District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kiran Devi Wife Of Virendra Chaudhary Resident Of Village - Bareba,
Police Station - Dhaka, District - East Champaran, Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra Mr. Dhananjay Kr. Gupta Mr. Atul Kumar Mr. Sumit Kumar Gupta Ms. Isha Mishra
For the State	:	Mr. Usha Kumari 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 02-07-2025 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the opposite party no. 2.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 363,
366A/34 of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) of
the SC/ST (POA) Act and section 8 of the POCSO Act.

3. Allegation in the First Information Report is that
the informant's daughter had been kidnapped by the petitioner
and other co-accused persons.

4. Learned counsel for the petitioner submits at the
outset that the petitioner happens to be the maternal uncle of the



main co-accused Sunil Kumar and from a bare reading of the First Information Report also it would be apparent that the thrust of the allegation is against the said Sunil Kumar. It has also been pointed out that the present FIR has been instituted after an inordinate delay of 10 days. The victim girl after recovery has been examined under Section 161 and 164 of the Cr.P.C. and in the said statement, she has accepted that she had gone along with co-accused Sunil Kumar voluntarily as both of them were having a love affair and they have also solemnized marriage and are staying as husband and wife.

5. Learned APP for the State and learned counsel for the opposite party no. 2 have opposed the application for anticipatory bail on the ground that the victim is a minor.

6. Taking into consideration the fact that the thrust of the allegation is against one Sunil Kumar and the petitioner is only the maternal uncle of the said co-accused and also considering 164 Cr.P.C. statement of the victim girl, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with Dhaka
P.S. Case No. 48 of 2024, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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