

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85570 of 2024

Arising Out of PS. Case No.-142 Year-2022 Thana- NAYA RAM NAGAR District- Munger

- 1 . Pratap Kumar Son of Fantush Sharma @ Fantush Kumar @ Upendra Sharma Resident of Village - Singhiya, Police Station - Naya Ramnagar (Safiya Sarai), District - Munger
2. Fantush Sharma @ Fantush Kumar @ Upendra Sharma Son of Late Bindeshwari Sharma Resident of Village - Singhiya, Police Station - Naya Ramnagar (Safiya Sarai), District - Munger

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Kaushal Kumar Son of Shankar Sao Resident of Singhiya, Police Station - Naya Ramnagar (Safiya Sarai), District - Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anita Kumari , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioners and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 366 (A) and 34 of the Indian Penal Code .

3 . As per the prosecution case , daughter of informant (victim), aged about 16 years who study in Sindhiya Inter School became friend with a Muslim student Mehar who was also the student of same school. After some time when friendship developed between them, victim used to visit house



of Mehar where she was brain washed by co-accused Md. Vicky and Md. Tahir who were working in the shop of Md. Rabbani. It is further alleged that accused persons also gave mobile to victim and thereafter, on 30.07.2022 , victim was kidnapped by accused persons for the purpose of marriage .

4. It is submitted on behalf of the petitioners that petitioners are not named in the F.I.R. There is no allegation or any iota of evidence against these petitioners. Petitioners have neither been charge sheeted nor cognizance has been taken against them but during trial a petition under Section 319 (1) of Cr. P C was filed by informant for summoning accused persons and to proceed against them. Petitioners have got no concern with the victim or the alleged occurrence . It is further submitted that victim in her statement recorded under section 164 Cr. P C has stated that she had only heard the name of Munna Sharma , Chotu Kumar and Pratap Kumar. Except, this there is no specific allegation against these petitioners. Court below has assessed the age of victim between 19 to 20 years. Petitioners claim clean antecedent.

5 . Learned counsel for the State oppose the bail petition .

6 Considering the aforesaid facts, clean antecedent of



these petitioners and circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO) Act-cum - Additional Sessions Judge _ VI Munger in connection with Naya Ram Nagar P .S. Case No. 142 of 2022 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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