

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16627 of 2026

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

Sushil Sharma @ Sushil Kumar Sharma Son of Vikau Sharma Resident of Village- Baswariya Chouk Laxminagar, P.S.- Mehsoul O.P., District- Sitamarhi

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. X X Wife of Late Y Y Resident of Village- Barewa, P.S.- Dhaka, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
Mrs. Harsha Shaswat, Advocate
For the Opposite Party/s : Mr.Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 16-04-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dhaka P.S. Case No. 48 of 2024, registered for the offence punishable under Sections 363, 366 (A), 34 of the Indian Penal Code and Sections 3 (1) (r), 3 (1) (s) of the SC/ST (POA) Act and section 8 of POCSO Act.

3. As per the FIR, informant’s daughter had been kidnapped by the co-accused persons and the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is next submitted that it would evident from the F.I.R itself that the informant is not an eye witness to the occurrence. The specific



allegation of kidnapping is leveled against co-accused, Sunil Kumar. Petitioner has not participated in the kidnapping of the informant's daughter. 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. It is further submitted that co-accused, Virendra Sharma, has already been extended the privilege of anticipatory bail vide order dated 02.07.2025 passed in Cr. Misc. No. 57320 of 2024 and the case of the petitioner stands on similar footing. Lastly, it is submitted that petitioner has no criminal antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, co-accused has already been granted anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge POCSO



Act, Motihari, East Champaran, Bihar in connection with Dhaka P.S.
Case No. 48 of 2024, subject to the conditions as laid down under
Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/ personal affidavit to show his/her bona fide;

(ii) the petitioner(s) 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 his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(iv) the petitioner(s) 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.

(Ajit Kumar, J)

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