

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4233 of 2020

Arising Out of PS. Case No.-220 Year-2019 Thana- NARDIGANJ District- Nawada

DINESH CHAUHAN Son of Ganesh Chauhan Resident of Village- Bhalua,
P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Ranjan Kumar
For the Opposite Party/s	:	Mr.Arun Kumar
For the informant	:	Mr. Sunil Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 01-09-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner, informant
and the State.

The petitioner is languishing in custody since
22.08.2019, in a case registered for the offences punishable
under Sections 376AB of the IPC, and Section 4 of protection of
Children from sexual offences Act.

The prosecution case, as per the written report of
Geeta Devi submitted to the Station House Officer , Nardiganj
Police Station is to the effect that on 18.08.2019, at about 2 P.M,
the daughter of the informant (name changed 'X') aged about 7
years, along with other little girl, Chuhiya went in a nearby
temple, but since it started raining, she took shelter in the
temple. In the meantime, the petitioner reached there and



ravished her when the niece of the informant, Rimjhim Kumari went to look after the daughter of the informant then she saw the petitioner ravishing the victim in the courtyard of the temple. Thereafter the husband and niece of the informant went to the place of occurrence then they saw the petitioner wearing his pant. At that point of time, the informant did not come to know about the actual occurrence, but in the night when the victim girl conveyed him about the occurrence, thereafter in the next morning the petitioner was caught.

Learned counsel for the petitioner submits that only on the basis of suspicion, the accusation has been leveled against the petitioner. The medical report does not suggest any external or internal injury, particularly on the private part of the victim and no evidence of sexual intercourse has been found which negates the prosecution case. It is further submitted that the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned Counsel for the informant submits that under some misconception, the informant has filed present case and he is not opposing the prayer for bail of the petitioner and



an affidavit to that effect has also been filed before the learned court below.

Learned APP for the State submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that accusation is not being corroborated by the medical opinion, the informant has retracted from his initial version, the trial is not likely to be concluded due to the pandemic, Covid-19, coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 1st Additional Sessions Judge- Cum- Special Judge, Nawada in connection with Nardiganj P.S Case No. 220 of 2019, POCSO Case No. 42 of 2019.

However, in view of the present pandemic COVID- 19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may



be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned 1st Additional Sessions Judge- Cum-Special Judge, Nawada in connection with Nardiganj P.S Case No. 220 of 2019, POCSO Case No. 42 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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