

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3045 of 2020**

Arising Out of PS. Case No.-26 Year-2019 Thana- CHUTIA SAHAYAK District- Rohtas

1. SATENDRA KUMAR, Son of Manohar Singh, R/O - Mohan Tadawan, P.S.- Sohnan, District- Babhua, Kaimur
2. Munna Kumar, Son of Lal Mohar Chaudhari @ Lal Mohan Chaudhari, Resident of Village - Admapur, P.S.- Muffasil, District- Rohtas
3. Rohit Kumar, Son of Biran Choudhary, Resident of Village - Amaratalab, P.S.- Muffasil, District- Rohtas
4. Chhotu Sah, Son of Sipahi Sah, R/O - Fajal Ganj, Bank Colony, Sasaram, P.S.- Sasaram Town, District- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deovind Kumar Singh  
For the Opposite Party/s : Mr. Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

5      31-08-2020                      The court proceeding has been conducted through virtual mode.

Heard learned counsel for the petitioners and the State.

The petitioners are languishing in custody since 01.08.2019, in a case registered for the offences punishable under Sections 365, 372, 354B, 366A and 506/34 of the IPC and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case, as per the fardbeyan of the



victim (name changed 'X'), recorded by S.I., Ravi Bhushan Kumar, S.H.O., Chuttiya Police Station on 31.07.2019 is to the effect that on the same day at about 2 A.M., the informant went to give flash light (torch) to her father who was irrigating the field, but while she was returning, all the accused persons including the petitioners came on a Scorpio vehicle and forced the victim to sit in the vehicle in question when all the accused persons started molesting with the victim, but on the way, the police intercepted and rescued the victim.

Learned counsel for the petitioners submits that the victim, who was examined as PW-1, during cross examination, has stated that she has never been kidnapped and nobody misbehaved with her. Similar was the stand of the father of the victim, who was examined as P.W.-2 and the brother of the victim, who was examined as P.W.-3. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent. 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 APP for the State submits that the



petitioners are named in the FIR with specific accusation.

Considering the fact that neither the impugned order nor the case diary suggests that there is any medical report of the victim girl, the victim has denied the factum of kidnapping, the report of the learned 1<sup>st</sup> Additional District and Sessions Judge, Sasaram, Rohtas dated 07.04.2020 reflects that altogether three witnesses have been examined, who have not supported the prosecution case, 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 petitioners are not having any criminal antecedent, let the petitioners 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 Additional District and Sessions Judge-I, Sasaram, Rohtas, in connection with Chuttiya P.S. Case No. 26 of 2019, POCSO Case No. 74 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 petitioners 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners 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 Additional District and Sessions Judge-I, Sasaram, Rohtas, in connection with Chuttiya P.S. Case No. 26 of 2019, POCSO Case No. 74 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 petitioners if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/Ashwini

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