

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3549 of 2020

Arising Out of PS. Case No.-615 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MD. ABID @ MD. AABID Son of Md. Hasib @ Md. Haseeb Resident of
Village - Ulao, Near Maszid Tola, P.S.- Muffasil, P.S.- Muffasil, Dist.-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 28-05-2020 The matter has been taken up through virtual
Court proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
23.11.2019 in a case registered for the offences punishable



under Section 354B of the Indian Penal Code, 1860 and Section 8 of the POCSO Act, 2012.

The prosecution case got initiated on the basis of written report of Fatima Khatoon submitted before the Station House Officer, Singhaul Police Station is to the effect that on 22.11.2019 at 5.15 P.M., the petitioner being, the neighbour of the informant took away the seven years old daughter of the informant, Zahida Khatoon in an orchard and tried to outrage her modesty.

It is submitted by learned counsel for the petitioner that due to the old enmity, the petitioner has falsely been roped in the present case. The medical opinion does not suggest any injury corroborating the accusation of rape. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and investigation has already been concluded.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the fact that the accusation being not corroborated by the medical opinion and the investigation has already been concluded coupled with statement made in paragraph no.3 of the petition 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 ADJ-I-cum-Special Judge, POCSO Act, Begusarai, in connection with POCSO Case No.74 of 2019 (Muffasil P.S. Case No. 615 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 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 the learned ADJ-I-cum-Special Judge, POCSO Act, Begusarai, in connection with POCSO Case No.74 of 2019 (Muffasil P.S. Case No. 615 of 2019).

The learned Court below is at liberty to further extend the period of provisional bail if the lock down,



due to the present pandemic COVID-19, is not over in next
three months.

(Dinesh Kumar Singh, J)

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