

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4577 of 2020

Arising Out of PS. Case No.-484 Year-2019 Thana- PAROO District- Muzaffarpur

VIKASH KUMAR Son of Brajesh Kumar Singh Resident of Village -
Mothavan, P.O.- Hardi, P.S.- Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 24-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
16.11.2019, has preferred the present application for grant of
bail in a case registered for the offences punishable under
Sections 342, 354(B), 509, 504 and 506/34 of the IPC, 1860
Section 67(A) of the Information Technology Act, 2000 and
Sections 4 and 8 of the Protection of Child from Sexual
Offences Act, 2012.

It appears that vide order dated 23.01.2020, the F.S.L.,
report in connection with the Paroo P.S. Case No. 484 of 2019
was called for from the Court of learned 1st Additional Sessions



Judge-cum-Special Judge, POCSO Act, Muzaffarpur, thereafter, vide order dated 26.02.2020 reminder was transmitted to the Director, F.S.L., Muzaffarpur for transmission of the same. From the record, it appears that learned 1st Addl. Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur on 29.01.2020 transmitted reminder to the Sr. S.P., Muzaffarpur and on 05.03.2020, transmitted reminder to the Director, R.F.S.L., Muzaffarpur for transmission of the same, thereafter, the Sr. S.P., Muzaffarpur on 13.03.2020 reminded the Director, F.S.L. Patna for transmission of the same, but in spite of the several reminders, the F.S.L. report has not been transmitted to this Court, which suggests the casual manner in which the office of the Director, F.S.L., Patna and R.F.S.L., Muzaffarpur are functioning.

In the circumstances, this Court decides to consider the application on merits.

The prosecution case, as per the self statement of Sunil Kumar, S.I.-cum-S.H.O., Kathaiya Police Station recorded on 15.11.2019 at 9 A.M., is to the effect that Senior officials informed the informant that one Jai Shankar Rai has made an obscene video of a girl whereafter the informant tried to verify the information, but Jai Shankar Rai could not be located,



however the informant came to know that co-accused Amit Kumar was also running the same objectionable video on his mobile phone and he was apprehended, who suggested that the said objectionable video was made viral by co-accused Golu Kumar @ Bullet. Subsequently, co-accused Golu Kumar @ Bullet was apprehended who suggested the name of co-accused Ashok Kumar Sah who forwarded such video to his mobile phone. Consequently, co-accused Ashok Kumar Sah was apprehended, who disclosed the name of the petitioner, as a person, who prepared the alleged video. Thereafter, the petitioner was apprehended and he admitted that during Durga Puja festival, he along with co-accused Manish Kumar went to fare and in a lonely place, they found an old man in objectionable condition with a minor girl and they prepared the said video.

It is submitted by learned counsel for the petitioner that only on the basis of statement of co-accused person and the confession of the petitioner before the police, he has been roped in the present case. There is nothing on record to suggest that the petitioner prepared the alleged video neither the said video has been recovered from his possession. It is further submitted that the investigation has already been concluded. A statement



has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and the petitioner is in custody since 16.11.2019.

Learned APP submits that the petitioner confessed his guilt before the police that he prepared the objectionable video.

Considering the fact that in spite of the two orders of this Court, Directors, of F.S.L. Patna and R.F.S.L., Muzaffarpur and Sr. S.P., Muzaffarpur, failed to transmit the F.S.L. report, coupled with the fact that the investigation has already been concluded and 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, POCSO Act, Muzaffarpur, in connection with Paroo P.S. Case No. 484 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 learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur, in connection with Paroo P.S. Case No. 484 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.

(Dinesh Kumar Singh, J)

Amrendra/-

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