

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.430 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- BAJPATI District- Sitamarhi

VIVEK KUMAR, Son of Pramod Mahato, Resident of Village - Luxmipur,
P.S.- Bathnaha, Distt - Sitamarhi.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sangita Kumari, D/o Late Naresh Ram, Resident of Village - Bantara, P.S.-
Bajpatti, Distt - Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Jha, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 01-06-2020 Heard learned counsel for the appellant as well as
learned Additional Public Prosecutor.

The victim who claimed to be 20 years and was intimate to Shatrughan Kumar for the last one year has alleged that on 05.08.2019 at about 6.30 PM while she has gone to the bank of a river to ease herself, Shatrughan Kumar caught hold her and lifting to the other side of the river committed rape. At that very moment Niranjana Kumar and Vivek Kumar were guarding by having their presence at some distance. Later on Vivek Kumar was apprehended.

Though there happens to be delay of 79 days in filing this appeal but, considering the nature of the prayer to be that of



bail, and further, considering the extraordinary situation being confronted on account of Covid-19 and further, invoking Article 142 of the Constitution of India, the Hon'ble Apex Court has extended the period of limitation under prevailing Covid-19.

Consequent thereupon, allowing I.A. No.01 of 2020 by way of condoning the delay, the appellant, Vivek Kumar is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST) Act, Sitamarhi in connection with Bajpatti P.S. Case No.265 of 2019, after setting aside the order impugned.

Consequent thereupon, the appeal is allowed.

(Aditya Kumar Trivedi, J)

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