

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7810 of 2020

Arising Out of PS. Case No.-40 Year-2013 Thana- MAHILA P.S. District- Araria

MISTER @ ISRAFIL @ MD. ISRAFAL S/o Late Ful Mohammad Resident
of Village-Loki Piprahi, P.S.-Lokaha, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-09-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since
20.10.2019, in a case registered for the offences punishable
under Sections 346, 370A and 376 of the IPC and Sections 5, 6
and 8 of the Prevention of Immoral Traffic Act.

The prosecution case, as per the written report of
Roushani Khatun, submitted to the Station House Officer, Araria
Mahila Police Station is to the effect that at earlier point of time,
the informant, after eloping with one Md. Izhar, married to him,
but subsequently her husband Md. Izhar , deserted her since she
did not conceive pregnancy. It is further alleged that the
petitioner, being the relative of the informant got her acquainted



with his sister, co-accused Zubeda Khatoon and suggested the informant to go with her on pretext of getting her re-married. Subsequently, co-accused Zubeda Khatoon and her husband Md. Gainul forced the informant for immoral trafficking when co-accused Md. Gainul also ravished and assaulted her.

Learned counsel for the petitioner submits that the only accusation against the petitioner is that he suggested the informant to go with his sister Zubeda Khatoon and there is no accusation of forcing the informant for immoral trafficking or ravishing her against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that petitioner is an old person aged about 70 years. Co-accused Md. Gainul, against whom there is specific accusation of ravishing the informant, has been granted bail by a Co-ordinate bench of this Court, vide order dated 05.10.2016, passed in Cr. Misc. No. 42245 of 2015 and co-accused Zubeda Khatoon has been granted bail by another Co-ordinate bench of this Court, vide order dated 11.05.2016, passed in Cr. Misc. No. 14495 of 2016. 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 petitioner is named in the FIR with specific accusation.

Considering the fact that the investigation has already been concluded, co-accused persons, against whom there is specific accusation, have been granted bail by different Co-ordinate benches of this Court and 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 Judicial Magistrate, 1st Class, Araria, in connection with Araria Mahila P.S. Case No. 40 of 2013.

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 Judicial Magistrate, 1st Class, Araria, in connection with Araria Mahila P.S. Case No. 40 of 2013.

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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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