

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8606 of 2020

Arising Out of PS. Case No.-670 Year-2019 Thana- BIHTA District- Patna

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Santu Kumar Son of Late Birendra Singh Resident of Village - Rampur, P.S. -
Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Naresh Ray, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 07-09-2020 The Court proceeding has been conducted through
virtual mode.

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

The petitioner is languishing in custody since
24.07.2019 in a case registered for the offences punishable
under Sections 363 and 366A of the Indian Penal Code, hence,
the prayer for bail has been made through the present
application.

The prosecution case, as per the written report of
Sanjay Prasad submitted to the Station House Officer, Bihta
Police Station, is to the effect that on 09.07.2019 at 10.00 A.M.,
the daughter of the informant went to school but she did not
return. Subsequently, the informant went to school to inquire
and the informant came to know that the petitioner, who is



residing as a tenant in the house of his neighbour, has enticed away the daughter of the informant. Subsequently, the informant went in the petitioner's house and he was not found present in the present and upon enquiring with the father of the petitioner about the informant's daughter, he did not give satisfactory reply.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. Though, in the statement recorded under Section 164 Cr.P.C. the victim has claimed that the petitioner, his mother and sister administered something, as a result, she became unconscious and thereafter, the sister of the petitioner brought the victim to Masaurhi and from there, the father of the petitioner brought the victim to Dhanbad and left her there. It is further submitted that it appears that the victim on her own went in the company of the accused persons. From the impugned order, it does not appear that any medical examination of the victim has been conducted. However, the victim has not alleged any misbehaviour by the petitioner. The investigation has already been concluded and the report of learned trial Court suggests that even charges have not been framed. A statement has been made in paragraph no.3 of the petition that the



petitioner is not having any criminal antecedent.

Learned APP for the State submits that the thrust of accusation is against the petitioner and in the statement recorded under Section 164 Cr.P.C. the victim has named the petitioner.

Considering the nature of accusation, the fact that the report of learned Additional Sessions Judge-III, Danapur dated 19.08.2020 reflects that even the charges have not been framed and the investigation has already been concluded, coupled with the 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 Additional Sessions Judge-III, Danapur in connection with Sessions Trial No. 215 of 2020, arising out of Bihta P.S. Case No. 670 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 upon 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 Additional Sessions Judge-III, Danapur in connection with Sessions Trial No. 215 of 2020, arising out of Bihta P.S. Case No. 670 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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