

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13183 of 2020**

Arising Out of PS. Case No.-65 Year-2019 Thana- MEDNI CHAUKI District- Lakhisarai

Govind Kumar Son of Vibhishan Chaudhari Resident of Village - Surji Chak,
P.S.- Suryagarha, Distt - Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar
2. Smt. Lukhari Devi W/O Bharath Mahto R/O Vill.- Khawa Chandra Tola,
P.S. - Medanichowky, District - Lakhisarai.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bharat Lal, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 14-12-2020 Perused the affidavit showing service of notice on the informant – opposite party no. 2. No one has entered appearance on behalf of the informant despite service of notice.

Heard learned counsel for the petitioner and Mr. Syed Mojibur Rahman, learned A.P.P. for the State.

Petitioner, in the present case is seeking regular bail in connection with Medani Chouki P.S. Case No. 65/2019 registered for the offence under Section 366(A), 504, 506/34 of the Indian Penal Code.

This Court has vide order dated 25.09.2020 granted provisional bail to the petitioner after noticing some materials from the case diary. The relevant part of the order dated 25.09.2020 is quoted hereunder for ready reference:-



“In this case, case diary has been received and after going through the case diary particularly the statement made under Section 164 Cr.P.C., this Court has noticed that the victim girl at the relevant time was aged between 16-17 years when she was got to married with devar of her sister and she had spent about two months there before she was recovered and taken away by the police. In her statement under Section 164 Cr.P.C. she had expressed her desire to live with her husband in her sasural. In this connection, the statement of the girl recorded in paragraph ‘21’ of the case diary is on record. Neither in her 164 Cr.P.C. statement she has made any allegation of any physical sexual assault nor in the medical examination report of the victim girl any such finding has been recorded, in the totality of the circumstances, for the present, this Court directs release of the petitioner on provisional bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Lakhisarai in connection with Chauki P.S. Case No.65/2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, oft he commission of which he is suspected, and
- (c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

List this matter after service of notice on informant-opposite party no.2.

For maintaining a date in the system, let it be fixed for 23rd November, 2020.”

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, but from the case diary, learned A.P.P. is unable to demonstrate any other relevant material to impress upon this Court that the petitioner does not deserve



privilege of bail.

As recorded above, opposite party no. 2 has not entered appearance to oppose this application.

For the reasons already stated in the order dated 25.09.2020, this Court confirms the bail granted to the petitioner. Let the petitioner be remained on bail on the same bail bond.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

