

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12658 of 2020

Arising Out of PS. Case No.-757 Year-2019 Thana- BANKA District- Banka

ANAND KUMAR SHARMA Son of Bhoopal Singh Resident of Village-Kaji
Purwa, P.O.-Gur Sahaiganj, P.S.-Gadanapur, Chaudhari, District-Kannauj
(Uttar Pradesh).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Das No.2

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-06-2020 The matter has been taken up through virtual Court
proceeding.

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

The petitioner is languishing in jail since 14.11.2019 in a
case registered for the offences punishable under Sections
366A/34 of the IPC, 1860 and Section 8 of POCSO Act, 2012.

The prosecution case, as per the written report of Naresh
Das submitted to the SHO, Barahat Police Station is to the effect
that the daughter of the informant (changed name as X) aged 13
years and her friend (changed name as Y), aged 14 years, went
to market for purchasing slippers but they did not return. On
19.10.2019, someone called on the mobile phone of the family



member of victim girl Y that the bicycle of the girl Y is lying at Rajaun. Subsequently, when her family members went there and brought the bicycle of Y. During search, the informant came to know that co-accused Piyush Kumar and Kundan Tanti abducted both the victim girls X and Y. Name of the petitioner sprang up during investigation when the petitioner confessed his guilt.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. In the statements under Section 164 of the Cr.P.C., both the victim girls have named only one person, i.e. co-accused Amit and they have not named the petitioner. Moreover, the victim girl X not only has named her other friends in whose company she went but she has also narrated a different version than recorded in the written report. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that till date, the petitioner has not been put on Test Identification Parade and the investigation has already been concluded. For the alleged occurrence of 16.10.2019, the FIR was registered on 22.10.2019.

Learned APP submits that though the victim girls have not named the petitioner but they have alleged that they were



ravished by several accused persons.

Considering the fact that petitioner's name sprang up during investigation, specific statement in the petition that till date the petitioner has not been put on Test Identification Parade even the investigation has already been concluded and the same have not been controverted by the learned counsel for the State, coupled with the delayed lodging of the case, 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 I-cum-Special Judge, Banka in connection with Banka (Barahat) P.S. Case No. 757 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 of the like amount each to the satisfaction of the learned



Additional Sessions Judge I-cum-Special Judge, Banka
including one surety given at the time of provisional bail.

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

(Dinesh Kumar Singh, J)

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