

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20870 of 2020

Arising Out of PS. Case No.-436 Year-2019 Thana- MASAUDHI District- Patna

1. Vinay Kumar Singh @ Vinay Singh Son of Late Bhagavan Singh @ Late Ram Bhagavan Singh Resident of Village - Chhotaki Masaurhi, P.S.- Masaurhi, District- Patna
2. Puspa Devi Wife of Vinay Kumar Singh @ Vinay Singh Resident of Village - Chhotaki Masaurhi, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-07-2020 The Court proceeding has been conducted through virtual mode.

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

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.



The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363, 457, 323, 504, 506 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.

The prosecution case, as per Complaint Case No. 2C of 2019 which was registered as police case after being transferred under Section 156(3) of Cr.P.C., is to the effect that on 14.04.2019, the son of the petitioners, Ravi Kumar took away three years old granddaughter of the informant and started molesting her. On alarm being raised by the granddaughter, the informant reached there and thereafter, Ravi Kumar fled away. Subsequently, the informant along with his wife went to the house of Ravi Kumar to make protest when the petitioners, being the parents of Ravi Kumar, assaulted the informant. It is alleged that petitioner no.1 assaulted with lathi on the head of the informant when the others pelted stones, as a result, the informant and his wife received injury.

It is submitted by learned counsel for the petitioners that the occurrence of 14.04.2019, the complaint was filed on 25.04.2019 which came to be registered as police case on 09.06.2019. The thrust of accusation is against Ravi Kumar, the son of the petitioners and in the background of land dispute,



the accusation has been levelled. It is further submitted that there is no injury report on record since it was not produced before the learned Court below as gets reflected from the impugned order.

Learned APP submits that the accusation of assault is specific against petitioner no. 1 and the petitioners are named in the FIR.

Considering the thrust of accusation against Ravi Kumar, delayed lodging of the case and impugned order suggests that the injury report was not produced by the police, let the petitioners above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Additional Sessions Judge Ist, Patna in connection with Masaurhi P.S. Case No. 436 of 2019, arising out of Spl. (POCSO) 102 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 petitioners which may be transmitted by such



surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) each 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 Ist, Patna in connection with Masaurhi P.S. Case No. 436 of 2019, arising out of Spl. (POCSO) 102 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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