

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20514 of 2020

Arising Out of PS. Case No.-20 Year-2019 Thana- KUCHILA District- Kaimur (Bhabua)

1. NANDJEE KUMAR @ NANDI JI SINGH Son of Shivkumar Ram @ Shiv Kumar Resident of Village - Mukhraon, P.S.- Kuchhila, District- Kaimur at Bhabua
2. Harichandra Ram Son of Late Ramdeo Ram Resident of Village - Mukhraon, P.S.- Kuchhila, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted through virtual mode.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertake to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the bench.

Since initially it is submitted that petitioner no.1,



Nandjee Kumar @ Nandi Ji Singh has been arrested, hence, this application so far as it relates to petitioner no.1 stands dismissed as having become infructuous.

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

Petitioner no.2, Harichandra Ram apprehends arrest in a case registered for the offences punishable under Sections 323, 341, 354B/376/363/366/34 of the Indian Penal Code.

The prosecution case as per the complaint filed by the complainant (name changed) is to the effect that the complainant was married with one Shashikant Ram about 10 years prior to lodging of the present case and there were two children out of the wedlock. Thereafter, the husband of the complainant deserted the complainant and performed second marriage. Subsequently, petitioner no.1, developed intimacy with the complainant and two months prior to filing of the complaint, he made proposal of marriage before the complainant and about one month prior to filing of the complaint, petitioner no.1 ravished the complainant. It is alleged against petitioner no.2 that he was persuading the complainant to marry with petitioner no.1 and has facilitated commission of offence under Section 376 of the Indian Penal



Code. The complainant lodged a police case on 23.09.2019 in Bhabua Mahila Police Station, but the case was not registered, hence, ultimately, the complaint was filed which came to be registered as police case, after the complaint being transferred under Section 156(3) of the Cr. P.C.

It is submitted by learned counsel for the petitioner that the thrust of accusation of committing offence under Section 376 is against petitioner no.1, Nandjee Kumar, who has now been arrested and the complaint has been filed with inordinate delay. The accusation being not corroborated by any medical opinion. 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 petitioners are named in the FIR and complaint petition with specific accusation.

Considering the delayed filing of the complaint, the thrust of accusation against petitioner no.1 who has already been arrested and the accusation being not corroborated by the medical opinion coupled with statement made in paragraph no.3 of the petition that petitioner no.2 is not having any criminal antecedent, let petitioner no.2 above named be released on



anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned CJM, Kaimur at Bhabua, in connection with Kuchhila P.S. Case No. 20 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C

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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Kaimur at Bhabua, in connection with Kuchhila P.S. Case No. 20 of 2019.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court



proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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