

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20560 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- DALSINGHSARAI District- Samastipur

AMIT KUMAR RAUT Son of Shambhu Raut Resident of Village - Narepur,
P.S.- Bachhawara, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Rajeev

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2020 The matter has been taken up through virtual court proceeding.

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

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within undertaken period, the office will again place the matter on board.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 08.02.2020, has preferred the present application for grant of



bail in a case registered for the offences punishable under Sections 306 and 120B/34 of the IPC.

The prosecution case, as per the fardbeyan of Ram Chandra Sahni, recorded on 02.02.2020 by Rakesh Dubey, A.S.I. of Police, Dalsingsarai Police Station is to the effect that on 01.02.2020 at about 7.30 P.M., the informant came to know that his grand daughter's (changed name- 'Y') obscene video with a boy has gone viral on social media like Whatsapp and Facebook. The informant saw the viral video and found that the alleged boy was his neighbour, Aman Kumar @ Aman Raj. On 02.02.2020, the grand daughter of the informant conveyed the informant that 3-4 days ago, co-accused Aman Kumar got her obscene video recorded on the stairs of UCO Bank, Dalsingsarai and on protest being made, co-accused Aman Kumar threatened her. Thereafter, the grand daughter of the informant committed suicide, leading to registration of FIR against co-accused Aman Kumar @ Aman Raj and two unknown persons. During investigation, it transpired that the obscene video of the victim went viral through the mobile phone of the petitioner.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Aman Kumar @ Aman Raj. The petitioner was not aware about his mobile



phone being used for making the alleged video viral. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation already been concluded.

Learned APP submits that the alleged video went viral through the mobile phone of the petitioner, as a result, the victim committed suicide.

Considering the fact that thrust of accusation is against co-accused, Aman Kumar @ Aman Raj, the investigation has already been concluded, period under custody and the statement made in paragraph 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 ACJM-I, Dalsingsarai, Samastipur in connection with Dalsingsarai P.S. Case No. 31 of 2020.

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 learned ACJM-I, Dalsingsarai, Samastipur in connection with Dalsingsarai P.S. Case No. 31 of 2020.

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

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

