

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20269 of 2020**

Arising Out of PS. Case No.-234 Year-2019 Thana- ISUAPUR District- Saran

IRSAD ALAM S/o Ramjan Ansari @ Md. Rajan Ansari Resident of Village-
Chahpura @ Sadhwara, P.S.- Isuapur, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 01-07-2020 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
26.02.2020, has preferred the present application for grant of



bail in a case registered for the offences punishable under Sections 376/511 of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

As per the written report of Ramlayak Singh, submitted to the Isuapur Police Station is to the effect that on 09.11.2019 at 3 P.M., the daughter of the informant (changed name- 'Y') went to purchase biscuit from the shop of the petitioner when the petitioner tried to ravish her, but on alarm being raised, family members of the informant rescued her.

It is submitted by learned counsel for the petitioner that in the background of dispute with regard to payment of articles given by the petitioner to the informant on credit, the case has maliciously been lodged against the petitioner. Neither the FIR nor the impugned order suggest that the victim was medically examined. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that victim was not medically



examined, the investigation has already been concluded, period under custody and the statement made in paragraph no.3 of the petition that 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 Additional District and Sessions Judge, 1st-cum-Special Judge, POCSO, Saran at Chapra in connection with POCSO-117/2019, arising out of Isuapur P.S. Case No. 234 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 including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 1st-cum-Special Judge, POCSO, Saran at Chapra in connection with POCSO-117/2019,



arising out of Isuapur P.S. Case No. 234 of 2019.

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/-

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