

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20436 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- GARKHA District- Saran

Shanti Baba Son of Sukhan Mahto Residence of Village - Bangara, P.S.-
Jalalpur, Dist.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2020 The matter has been taken up through virtual

Court proceeding.

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects, the
office shall place the matter before the bench.

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



The petitioner is languishing in custody since 10.01.2020 in a case registered for the offence punishable under Sections 377, 511 of the Indian Penal Code.

The prosecution case as per the written report of Pramod Mehto, submitted to the S.H.O, Garkha Police Station is to the effect that nephew of the informant used to provide cow milk to the priest of Lageshwari Baba Mandir namely Shanti Baba, the petitioner. On 09.01.2020 when the nephew of the informant did not return home, his mother, in search of her son went to the temple where she found that petitioner was trying to commit unnatural offence with her son. The petitioner thereafter fled away from the place of occurrence.

It is submitted by learned counsel for the petitioner that in the background of extorting money from the petitioner, the accusation has been levelled.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent and



the investigation has already been concluded.

Considering the nature of accusation, the petitioner is having no criminal antecedent and the investigation being concluded, 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 learned Additional District Judge-I-cum-Special Judge, POCSO, Saran in connection with Garkha P.S. Case No. 15 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. 10,000/-(ten



thousands) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-I-cum-Special Judge, POCSO, Saran in connection with Garkha P.S. Case No. 15 of 2020 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 will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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