

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20290 of 2020

Arising Out of PS. Case No.-252 Year-2015 Thana- MADHEPURA District- Madhepura

Putur Rishidev @ Pullur Rishidev Son of Late Bhajan Rishidev Resident of
Village - Betauna, P.S.- Shankarpur, Distt - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dinesh Prasad Verma
For the Opposite Party/s :	Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in
physical mode 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 within
undertaken period, 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 12.07.2019 in a case registered for the offences punishable under Sections 406, 409, 420, 467, 468, 120B of the Indian Penal Code, 1860.

The prosecution case as per the written report of Subodh Kumar, Superintendent of Labour, Madhepura, submitted to the S.H.O, Madhepura Police Station is to the effect that under the aegis of the National Child Labour Project Scheme, many National Child Labour Schools were opened in the district of Madhepura in the year 2010. Subsequently, all the said schools got closed on completion of the agreement. It is alleged against the petitioner that he, in collusion with the main accused Rameshwar Abhishek @ Ramesh Abhishek @ Israil and others fraudulently re-opened National Child Labour School only on paper and extorted money from several villagers in the name of providing them employment. It is also alleged that all the F.I.R



named accused persons including the petitioner also complained before the National Human Rights Commission against the District Magistrate, Madhepura of not providing salary, scholarships and stipends to them. Subsequently, upon enquiry by the Labour Superintendent, Madhepura, Labour Enforcement Officer, Gwalpara and Labour Enforcement Officer, Shankarpur, it came to light that Rs. 5,000-10,000 was extorted from the villagers in the name of providing jobs to them and all those so called National Child Labour Schools were running only on paper and no such school was found on spot during the enquiry by the Labour Superintendent.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in this case. In fact, in enquiry report it was found that the petitioner did not take any amount from the villagers. The petitioner is an illiterate person, hence the accusation of writing a complaint



letter to the Human Rights Commission with regard to the payment of salary, scholarship and stipend appears to be unreasonable. Moreover, the petitioner is not having any criminal antecedent, a statement to that effect has been made in para 3 of the petition that investigation has already been concluded. Moreover co-accused Prabhat Kumar has been granted bail by a Co-ordinate bench of this Court vide order dated 31.01.2020 passed in Cr. Misc. No. 71942 of 2019.

Learned A.P.P. submits that petitioner is named in the F.I.R.

Considering the fact that investigation has already been concluded and the petitioner is not having any criminal antecedent coupled with the fact that other co-accused persons have been granted bail by Co-ordinate bench of this Court, 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 Chief Judicial Magistrate,



Madhepura in connection with Madhepura P.S. Case No. 252 of 2015.

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 Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 252 of 2015 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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