

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20228 of 2020

Arising Out of PS. Case No.-336 Year-2019 Thana- LAXMIPUR District- Jamui

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Gorelal Basera @ Gorelal Besra Son of Bando @ Jharilal Basera Resident of
Village - Rangganja, P.S.- Laxmipur, Dist.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-
functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
the office will place the matter before the bench.

The petitioner is languishing in custody since
31.12.2019 in a case registered for the offences punishable
under Sections 354B, 354A, 376/511, 504, 506 of the Indian
Penal Code and Section 8 of the Protection of Children from
Sexual Offences Act, 2012, hence, the prayer for bail has been



made through the present application.

The prosecution case, as per the written report of Lalita Kumari submitted to the Station House Officer, Laxmipur P.S., is to the effect that on 02.09.2019 at 1.00 P.M., the informant was cutting grass in her field, in the meantime, petitioner came and caught hold of the informant from back and when the informant raised alarm and when the informant's cousin sister, Sangita Kumari came then the petitioner after giving threat to the informant escaped from the scene.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, at best a case under Section 354A IPC is made out against the petitioner. In the statement recorded under Section 164 Cr.P.C. the informant has stated that the petitioner caught hold of her from back, hence, neither a case under Section 376/511 nor 354B IPC is made out against the petitioner. The investigation has already been concluded and 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 accusation is specific against the petitioner.

Considering the nature of accusation and the fact



that the investigation has already been concluded and statement made in paragraph no.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 Special Judge -cum- Ist Additional District & Sessions Judge, Jamui in connection with Laxmipur P.S. Case No. 336 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 upon 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 Special Judge -cum- Ist Additional District & Sessions Judge, Jamui in connection with Laxmipur P.S. Case No. 336 of 2019.



The learned Court below is 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 application is disposed of.

(Dinesh Kumar Singh, J)

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