

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23845 of 2020

Arising Out of PS. Case No.-738 Year-2019 Thana- PHULWARISHARIF District- Patna

SONU KUMAR @ SUNNY KUMARA S/o Krishna Singh @ Ashok Singh
Resident of Village-Mahndi Tola, P.S.-Pandarak, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four week of resumption
of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since



01.08.2019, in a case registered for the offences punishable under Sections 343, 346, 366, 368, 372 and 373/34 of the IPC, 1860 and Sections 4, 5 and 6 of the Immoral Trafficking (Prevention) Act, 1986.

The prosecution case, as per the self statement of Rajeev Ranjan singh, S.I. of Police-cum-S.H.O., Janipur Police Station, recorded 31.07.2019 at 3.30 P.M., is to the effect that on the same day at about 2.30 P.M., the informant received information through mobile phone that immoral trafficking with regard to the girls is going on. Consequently, the raid was laid and as soon as the informant reached near the house of Ranjan Yadav in the village Nagwan, certain people started fleeing away when one girl, aged about 19 years, was recovered from the house of co-accused, Ranjan Yadav, who stated that she was married with one Ajay Malik, but since the her husband was already married with some other lady, she left her husband and came to her parents house, but from there she was being driven out, thereafter she came at Patna where she met with one lady, who took her to her home, where she came to know that two days earlier, the said lady also brought another girl and sold her for Rs. 50,000/- to someone and she was also preparing to sold the victim girl. Subsequently, the said lady disclosed her name



as Shakuntala Devi, who also disclosed the name of three accused persons including the petitioner, who were subsequently apprehended and the name of four other accused persons, who escaped from the scene.

Learned counsel for the petitioner submits that the victim girl has not said anything against the petitioner. The petitioner has maliciously been apprehended since he was present there. It is further submitted that even assuming the accusation to be true, no offence under the Immoral Trafficking Act is made out against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

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

Considering the fact that the thrust of accusation is against the mother of the petitioner, the investigation has already been concluded, period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with



statement made in paragraph no.3 of the petition to the effect 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 J.M., 1st Class, Patna, in connection with Phulwari Sharif P.S. Case No. 738 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 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 J.M., 1st Class, Patna, in connection with Phulwari Sharif P.S. Case No. 738 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/-

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

