

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22261 of 2020

Arising Out of PS. Case No.-144 Year-2020 Thana- NAUBATPUR District- Patna

RAJDEEP KUMAR Son of Shambhu Prasad @ Shambhu Prasad Yadav
Resident of Village - Bathnaha, P.S.- Alauli, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Dular Sah

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 24-08-2020 The Court proceeding has been conducted through virtual mode.

Since the Court is not functional in physical mode due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the bench.

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

The petitioner 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.



The prosecution case as per the written report of Vinita Kumari submitted before the S.H.O., Naubatpur Police Station is to the effect that on 16.03.2020 at 4.30 P.M., the petitioner chased the informant by a motorcycle and thereafter he tried to dragged the informant towards an orchard and when the informant raised alarm then the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no case under Section 376/511 of the I.P.C. is made out against the petitioner. From the FIR it appears that there is no medical examination report of the victim to support the accusation. The order of the learned Sessions Judge also does not suggest that any medical examination of the victim has been conducted. The petitioner is languishing in custody since 17.03.2020 and 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 for the State submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that *prima facie* the written report does not suggest the offence under Section 376/511 of the



I.P.C. and the fact that the investigation has already been concluded coupled with 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 ACJM-2, Danapur, Patna, in connection with Naubatpur P.S. Case No. 144 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.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 ACJM-2, Danapur, Patna, in connection with Naubatpur P.S. Case No. 144 of 2020.

The learned Court below will further be at liberty to 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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