

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23106 of 2020

Arising Out of PS. Case No.-49 Year-2020 Thana- SANDESH District- Bhojpur

-
1. MITHU DUBEY @ NITESH KUMAR DUBEY S/o Manoj Dubey Resident of Village- Khandaul, P.S.- Sandesh, Distt- Bhojpur.
 2. Navnit Dubey @ Navit Dubey S/o Vijay Dubey @ Vijay Kumar Duve Resident of Village- Khandaul, P.S.- Sandesh, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Govind Mishra, Adv
For the Opposite Party/s	:	Ms. Asha Kumari (A.P.P)
For the Informant	:	Mr. Shiv Prasad Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 04-12-2020 Heard Mr. Gopal Govind Mishra, learned counsel for the petitioners, Mr. Shiv Prasad Gupta, learned counsel representing the informant and Ms. Asha Kumari, learned Additional Public Prosecutor for the State through video conferencing.

2. Petitioners seek regular bail in connection with Sandesh PS Case No. 49/2020 registered for the offence punishable under Sections 341, 342, 377, 511, 307/34 of the IPC.

3. The allegation, as per First Information Report, is that while, the son of the informant aged about 22 years had gone to attend call of nature, was lifted by the petitioners with an intent to commit unnatural intercourse with the boy and on



the protest of the boy, they inserted flute (made of bamboo) into the private part of the victim boy, as a result of which, the victim sustained serious injury.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as the occurrence has taken place on 20.02.2020 but the FIR has been lodged after a considerable delay on 06.03.2020 without any explanation. Learned counsel further submits that the victim boy was allegedly, admitted in the Private Hospital on 22.02.2020 and was discharged on 02.03.2020 but his statement under Section 164 of the CrPC has been recorded after a long delay on 19.03.2020. Learned counsel next submits that the Primary Health Centre as well as Private Hospital have not found any injury on the private part of the victim boy which would be evident from para-31 and 38 of the case diary.

5. Learned counsel also submits that the petitioners are in custody since 15.03.2020 and 08.03.2020 respectively.

6. Learned counsel for the informant, vehemently, opposed the prayer for bail of the petitioners and submits that the victim boy has supported the incident in his statement made under Section 164 of the CrPC. Learned counsel further tried to



show the photographs of the victim boy to this Court during course of his argument.

7. Learned counsel for the State, referring to the case diary, submits that the medical report does not support the allegation against the petitioners.

8. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioners are in custody since 15.03.2020 and 08.03.2020 respectively, I am inclined to grant regular bail to the petitioners.

9. Accordingly, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Sushant Kumar, learned Judicial Magistrate, 1st Class, Ara, Bhojpur in connection with Sandesh PS Case No. 49/2020.

10. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

perwez

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

