

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22708 of 2020**

Arising Out of PS. Case No.-12 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

Dilip Kumar S/o Sri Ram Narayan Bhagat Resident of Village-Mishra Tola
Gannipur, P.S.-Kazi Mohammadpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Rakesh

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 03-09-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

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



The petitioner is languishing in custody since 12.05.2020 in a case registered for the offences punishable under Sections 354, 354A, 354C, 341, 323/34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of the informant 'X' (name changed) recorded by S.I., Abha Rani, SHO, Muzaffarpur Mahila Police Station on 26.03.2020 at Sadar Hospital, Emergency Ward, Muzaffarpur, is to the effect that on 25.03.2020 at 8.00 P.M., the informant was going to Kalambagh Chowk for buying milk when at 8.10 P.M., on the way, co-accused Raushan Paswan and Shubham Kumar @ Mithaiya came by a car and co-accused Raushan Paswan put handkerchief on the mouth of the informant, thereafter, she got unconscious and they took the informant towards Ramdayaloo Station. In the meantime, the informant saw her uncle Surajdeep Kumar and called him several times but he could not hear her voice. Thereafter, the informant was dropped near Mahindra Service Centre. It is further alleged that co-accused Raushan Paswan used to follow the informant while she was on the way to her school and the petitioner used to assist him. The petitioner



is not named in the FIR. The petitioner was apprehended and he also confessed that he acquainted the informant since last two years and he called the informant and took her away on a motorcycle. During investigation, it also transpired that the phone calls were made by the petitioner to the informant.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and specific accusation is against co-accused Raushan Paswan and Shubham Kumar @ Mithaiya. The victim-informant has not named the petitioner. During investigation the police maliciously tried to implicate the petitioner and the material collected during investigation does not make out any case against the petitioner. The investigation has already been concluded and 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 name of the petitioner sprang up during investigation.

Considering the fact that the name of the petitioner sprang up during investigation, thrust of accusation is against FIR named co-accused persons Raushan Paswan and Shubham Kumar @ Mithaiya and investigation has already been concluded, coupled with the 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 1st Additional Sessions Judge, Muzaffarpur in connection with Muzaffarpur Mahila P.S. Case No. 12 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 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 1st Additional Sessions Judge, Muzaffarpur in connection with Muzaffarpur Mahila P.S. Case No. 12 of 2020.

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 stands disposed of.

(Dinesh Kumar Singh, J)

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