

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24705 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- GURARU District- Gaya

SANDEEP KUMAR @ CHHOTU @ CHHOTU KUMAR S/o Gopal Prasad
R/o Village- Fafar, P.S.- Guraru, District- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.



The petitioner seeks bail in Special case no. 48 of 2020 arising out of Guraru P.S. Case no. 46 of 2020 instituted for the offence under Section(s) 323,341, 354(A) and 504/34 of the IPC.

At the very outset Mr. Singh appearing for the petitioner through virtual mode submits that due to inadvertence in para 1 of the application, typographical error has crept in whereby “anticipatory bail” has been written in the second line of para 1 and at the various places in the petition in stead of “bail”.

As per prosecution case, the informant saw one person scuffling with his sister at the vegetable market. The sister has allegedly complained of being teased and subjected to filthy language by the petitioner. Thereafter, he has assaulted the informant and his sister. Brother of the Mukhiya (Sunil Paswan) has also joined the petitioner.

It is submitted by the learned counsel for the petitioner that owing to dirty village politics petitioner has been implicated. The allegation regarding causing injury on the informant is baseless as there is no medical examination nor the police have recorded any sign of injury



though occurrence is alleged in the vegetable market, save and except family members of the informant no other witness has supported the allegation, in so far as the informant's sister is concerned, and such allegations have been added in extraneous considerations.

The petitioner is a student and his long incarceration has severely prejudiced his career.

Petitioner is in custody since 30.4.2020 when he was remanded in the instant case after his arrest.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge (POCSO Act), Gaya in connection with POCSO Case No. 48 of 2020 arising out of Guraru P.S. Case no. 46 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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