

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22685 of 2020

Arising Out of PS. Case No.-157 Year-2020 Thana- ISLAMPUR District- Nalanda

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Pintu Yadav Son of Suresh Prasad @ Ram Suresh Singh Resident of Village-
Beldar Bigha, P.S.- Khudaganj, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 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
17.03.2020 in a case registered for the offences punishable



under Sections 456 and 354B of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Sangita Devi submitted to the Station House Officer, Islampur Police Station, is to the effect that on 16.03.2020 at 8.00 P.M., the informant along with her family members was sleeping when someone knocked the door and thereafter, the informant came out side and saw one person sitting on the door when the informant inquired then the said persons gagged her mouth and caught hold of her hands and he started undressing her. On alarm being raised, the villagers came and thereafter, the petitioner was caught.

It is submitted by learned counsel for the petitioner that there was some altercation between the maternal aunt of the petitioner and the informant, as a result, the petitioner has been roped in the present case. There is no medical report of the informant and 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 accusation is specific against the petitioner.



Considering the fact that the investigation has already been concluded and statement being 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Islampur P.S. Case No. 157 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Islampur P.S. Case No. 157 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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