

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23309 of 2020

Arising out of PS. Case No.-161 Year-2019 Thana- FULKAHA District- Araria

Shankar Yadav @ Shankar Kumar Yadav, S/o Upendra Yadav Resident of Village-
Manikpur, Ward No. 10, P.S.- Fulkaha, District- Araria.. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 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
15.10.2019 in a case registered for the offences punishable
under Sections 354, 354(B), 342, 363/34 of the Indian Penal
Code and Section 7/8 of the POCSO Act, hence, the prayer for
bail has been made through the present application.



The prosecution case, as per the written report of Roshan Khatoon submitted to the Station House Officer, Fulkaha P.S., is to the effect that on 14.09.2019 at 9.30 P.M. the daughter of the informant 'X' (name changed) aged about 15 years went outside the house to ease out, in the meantime, three miscreants after gagging her mouth tried to take away the daughter of the informant on the motorcycle. On alarm being raised by the victim, the accused persons tried to escape from the scene but on chase being made by the family members of the victim, one person was apprehended, who disclosed his name as Shankar Yadav, the petitioner further disclosed the name of another two co-accused who escaped from the scene as Rupesh Kumar and Pawan Kumar.

It is submitted by learned counsel for the petitioner that the accusation has been made only on the basis of suspicion and the investigation has already been concluded. A statement has been in paragraph no. 3 of the petition that the petitioner is accused in three other cases of Excise Act. There is no material on record to suggest the commission of the crime by the petitioner.

Learned APP for the State submits that the petitioner was apprehended at the spot.



Considering the fact that the investigation has already been concluded and actually, no offence has been committed by the petitioner, 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 Sessions Judge-I -cum- Special Judge, Araria in connection with Special (POCSO) Case No. 62 of 2019 arising out of Fulkaha P.S. Case No. 161 of 2019.

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 Sessions Judge-I -cum- Special Judge, Araria in connection with Special (POCSO) Case No. 62 of 2019 arising out of Fulkaha P.S. Case No. 161 of 2019.



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)

Vikash/-

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

