

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23295 of 2020

Arising Out of PS. Case No.-230 Year-2020 Thana- DIGHA District- Patna

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Vishal Kumar Son of Samasan Sah Resident of Village - Patliputra Road,
Laxhminiya Gali, P.S.- Digha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

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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
22.04.2020 in a case registered for the offences punishable



under Sections 342, 379, 504, 506, 377/511/34 of the Indian Penal Code and Sections 8, 10, 12, 14 & 15 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 written report of Manoj Kumar submitted to Station House Officer, Digba Police Station, is to the effect that the on 18.04.2020 on the pretext of returning the snatched mobile phone of the informant's son, the son of the informant, Manish Raj was called by co-accused Prakash Kumar and thereafter taken to Laxminiya street where the petitioner and co-accused Krishna Kumar, Abhi @ Avinash and Ayush Kumar @ Naga were standing from before. It is further alleged that they took the son of the informant near railway bridge and co-accused Ayush has tried to forcibly commit natural offence with the son of the informant.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Ayush and there is no medical report to support the accusation. 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



petitioner is named in the FIR.

Considering the fact that the thrust of accusation is against co-accused Ayush 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 Additional Sessions Judge-I, Patna in connection with Special Case No. 79 of 2020, arising out of Digha P.S. Case No. 370 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 Sessions Judge-I, Patna in connection with Special Case No. 79 of 2020, arising out of Digha P.S. Case No. 370 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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