

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25796 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- SANGRAMPUR District- Munger

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SHIVAM KUMAR @ SHIVAM SHANKAR KUMAR @ SHIV SHANKAR
KUMAR S/o Late Matuki Prasad Sah @ Matuki Sah Resident of Village-
Chadaniya, P.S-Sangrampur, District-Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan

For the Opposite Party/s : Mrs.Anita Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-10-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Sangrampur P.S. Case No. 62 of 2020 registered for the offence punishable under Sections 363 and 366A of the Indian Penal Code and Section 8 of the POCSO Act.

Father of the victim is the informant. It is alleged in the F.I.R. that on 19.03.2020, the victim had left the house for the market for certain purchases but she did not return.

Learned counsel appearing on behalf of the petitioner has straightaway taken me to the statement of the victim recorded under Section 164 of the Cr.P.C., wherein, she disclosed that since she was brutally assaulted by her father (the informant), she had left her house for her aunt's house at Delhi but by mistake she boarded a train headed for Mumbai. After



having realized, though she called her mother and she was asked by her mother to return back, in the meanwhile, there was a lockdown.

Learned counsel appearing on behalf of the petitioner has submitted that no offence as alleged in the F.I.R. is made out against him and the statement of the victim recorded under Section 164 of the Cr.P.C. completely belies the case of the prosecution.

On perusal of the statement of the victim recorded under Section 164 of the Cr.P.C., I find substance in submission made on the behalf of the petitioner.

This application is accordingly allowed.

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 learned Sri Anurag Spl. Judge(POCSO Act)-cum-A.D.J. 1st, Munger in connection with Sangrampur P.S. Case No. 62 of 2020.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the



Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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