

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23833 of 2020

Arising Out of PS. Case No.-155 Year-2020 Thana- PAROO District- Muzaffarpur

Shailesh Kumar Son of Devendra Singh Resident of Village - Kamalpura
Mathiya Tola, P.S.- Proo, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in custody since

06.04.2020 in a case registered for the offence



punishable under Sections 363, 366, 366(a)/34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Md. Alam, submitted to the S.H.O, Paroo Police Station is to the effect that on 16.03.2020 at 6:45 A.M., the daughter of the informant went to the coaching institute to take tuition but on way, the petitioner along with two other persons kidnapped her and when the informant went to the house of the petitioner to complain about the same, it is alleged that family members of the petitioner conveyed that petitioner has kidnapped the victim girl and challenged him to take whatever action he wish to take.

It is submitted by learned counsel for the petitioner that for the occurrence of 16.03.2020 at 6:45 A.M., the F.I.R was registered on 17.03.2020 at 9:30 A.M when it reached to the Court of learned A.C.J.M on 23.03.2020 which reflects that by ante-dating, the F.I.R has been registered. In 164 Cr.P.C statement, the victim



girl has negated the accusation of kidnapping by the petitioner and stated that she left the house on her own. Moreover, there is no medical report of the victim and the petitioner is not having any criminal antecedent, a statement to that effect has been made in para 3 of the petition.

Lerarned A.P.P. submits that accusation is specific against the petitioner.

Considering the fact that impugned order does not suggest that victim was put to medical examination, the victim has negated the accusation by the petitioner in her statement under Section 164 Cr.P.C, the petitioner is not having any criminal antecedent, coupled with the fact that investigation has already been concluded, 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 learned Additional Chief Judicial Magistrate-III (West), Muzaffarpur in connection with Paroo P.S. Case



No. 155 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 on 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III (West), Muzaffarpur in connection with Paroo P.S. Case No. 155 of 2020 including one surety given at the time of provisional bail.

The learned Court below will be 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 present application stands
disposed of.

(Dinesh Kumar Singh, J)

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