

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70697 of 2019

Arising Out of PS. Case No.-98 Year-2019 Thana- BIRPUR District- Supaul

SURENDRA KAMET @ SURENDRA KAMAT Son of Ramji Kamet
Resident of Village and P.O-Sitapur, Ward No.13, P.S.-Birpur, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 07-09-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the
State.

The petitioner is languishing in custody since
30.04.2019, in a case registered for the offences punishable
under Sections 341, 342, 376 and 120B/34 of the IPC.

The prosecution case, as per the written report of
the informant (named changed-'X') submitted to the S.H.O.,
Beerpur Police Station is to the effect that on 25.04.2019 at
about 9 P.M., when the informant was roaming on the road, in
the meantime, co-accused Sudhir Kamat and two unknown
persons came and put some clothes on her mouth and took her
to the house of the petitioner, Surendra Kamat, where other



accused persons were also present. It is alleged that co-accused Aarti Kumari, Babita Devi and Vimla Devi advised the informant to perform marriage with co-accused Sudhir Kamat, thereafter, the informant was being confined in a room with co-accused Sudhir Kamat, who forcefully established physical relationship with the informant.

Learned counsel for the petitioner submits that the petitioner happens to be the maternal uncle of the main accused Sudhir Kamat. The accusation of establishing forceful physical relationship with the informant is specific against co-accused Sudhir Kamat. The only allegation against the petitioner is that the victim was taken to the petitioner's house where he was present and there is no allegation against him that he persuaded the victim to marry with co-accused Sudhir Kamat. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the victim was taken to the house of the petitioner, where co-accused



Sudhir Kamat established forceful physical relationship with her and the victim was recovered from the house of the petitioner. Moreover, on conclusion of investigation, the chargesheet has been submitted under the provisions of Protection of Children from Sexual Offences Act.

Considering the fact that thrust of accusation is against co-accused Sudhir Kamat, the investigation has already been concluded, period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect 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 A.D.J.-I-cum-Special Judge, Supaul, in connection with Birpur P.S. Case No. 98 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 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 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 learned A.D.J.-I-cum-Special Judge, Supaul, in connection with Birpur P.S. Case No. 98 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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