

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69239 of 2019

Arising Out of PS. Case No.-90 Year-2017 Thana- HASANGANJ District- Katihar

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GULJAR S/o Shahid R/o- Labha, P.S.- Pranpur (O.P. Roshna), Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 17-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 363 and 366A of the Indian Penal Code.

The prosecution case as per the written report of Md.
Nausad submitted before the Hasanganj Police Station is to the
effect that on 18.10.2017, the daughter of the informant, namely,
Gufrana Khatoon, aged about 16 years was sleeping along with
her mother, but in the morning at 3.00 A.M., she was found
missing. Subsequently, on enquiry, it was found that she has
been enticed away by co-accused, Monu Kumar and Rahul



Bhagat. The victim also took away jewellery and cash amount of Rs.30,000/- along with her.

It is submitted by learned counsel for the petitioner that the in fact, victim girl Gufrana Khatoon and one Lovely Khatoon both eloped from the house, leading to registration of two cases, i.e, Hasanganj P.S. Case No. 90 of 2017 (present one) and second one is Pranpur P.S. Case No. 166 of 2017, registered with accusation under Sections 363, 366A/34 of the I.P.C. by father of the victim girl, Lovely Khatoon. The petitioner is not named in the present case, his name subsequently sprang up in the statement of the victim girl recorded under Section 164 of the Cr. P.C. wherein she has stated that she was taken to Delhi by co-accused, Monu Kumar, Rahut Bhagat and the petitioner. It is further submitted that the petitioner was also named in Pranpur P.S. Case No. 166 of 2017, but in that case, he has been granted bail by a co-ordinate bench of this Court vide order dated 24.04.2019, passed in Criminal Miscellaneous No. 25467 of 2019. It is further submitted that in fact, the victim girl on her own eloped. The petitioner is languishing in custody since 03.10.2019 and the investigation has already been concluded. Moreover, there is no likelihood of trial being concluded in near future since the court proceeding is not functional in physical



mode due to the present pandemic, Covid -19.

Learned APP for the State submits that the name of the petitioner sprang up in the statement of the victim girl recorded under Section 164 of the Cr. P.C. However, there is no medical report with the case diary

Considering the fact that the investigation has already been concluded and in other case, the petitioner has been granted bail, 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 CJM, Katihar, in connection with Hasanganj P.S. Case No. 90 of 2017.

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.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



CJM, Katihar, in connection with Hasanganj P.S. Case No. 90 of 2017.

The learned Court below will further 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.

(Dinesh Kumar Singh, J)

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