

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69909 of 2019

Arising Out of PS. Case No.-98 Year-2016 Thana- MAHILA P.S. District- Araria

Krityanand Das S/o Madheshi Das R/o village- Tirshkund- Samol, P.S.-
Forbesganj, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 07.09.2019 in a case registered for the offences punishable under Sections 376 and 341/34 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of the informant namely 'X' submitted to Superintendent of Police, Araria, is to the effect that the informant went to the grocery shop and while returning she was caught hold by the petitioner and co-accused Babua Thakur @ Vikesh Thakur forcibly put



vermilion on her head and both of them dragged the informant behind a flour mill and co-accused Babua Thakur @ Vikesh Thakur ravished her.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Babua Thakur @ Vikesh Thakur and for the alleged occurrence of 19.10.2016, the FIR was registered on 23.10.2016. The informant was medically examined by the doctor but presence of spermatozoa was not found nor any injury on the body of the victim was found, hence, no case under Section 376 IPC is made out against the petitioner. It is further submitted that on completion of investigation, the charge sheet has been submitted under Sections 354A, 354B, 341 and 342/34 of the IPC. A 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 to have facilitated the commission of the offence of rape by co-accused Babua Thakur @ Vikesh Thakur.

Considering the fact that the accusation under Section 376 IPC has been levelled in the FIR against the co-accused Babua Thakur @ Vikesh Thakur but the police on



conclusion of the investigation, found the case true under Sections 354A, 354B, 341 and 342/34 of the IPC and thrust of accusation is against co-accused Babua Thakur @ Vikesh Thakur, 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 Chief Judicial Magistrate, Araria in connection with Araria Mahila P.S. Case No. 98 of 2016.

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



Chief Judicial Magistrate, Araria in connection with Araria
Mahila P.S. Case No. 98 of 2016.

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.

(Dinesh Kumar Singh, J)

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