

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.80126 of 2019**

Arising Out of PS. Case No.-268 Year-2019 Thana- SAHPUR District- Patna

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AMITABH KUMAR YADAV @ AMITABH KUMAR @ AMITABH RAI
S/O Late Nandlal Rai Resident of Murarchak Jamsaul, P.S. - Shahpur, Dist
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 03-09-2020 Heard learned counsel for the petitioner and Mr. Aditya
Narayan Singh-1, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Shahpur P.S. Case No. 268 of 2019 registered for the offences punishable under Sections 376/34 of the Indian Penal Code and Section 67(A) of the I.T. Act.

Learned counsel for the petitioner submits that the petitioner has been made accused in this case on the basis of Video clip but identity of the victim has not been traced out as yet and no medical examination report has been brought on record, co-accused persons have been allowed in Cri. Misc. No. 73528 of 2019 and Cri. Misc. No. 4157 of 2020 and the petitioner is in custody since 10.07.2019 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.



Having regard to the facts and circumstances of the case wherein this Court has noticed that though the FIR has been registered on the basis of alleged video clip but in course of investigation the identity of the victim could not be traced out, there is no statement either under Section 161 CrPC or any medical examination and in the given facts the co-accused have been granted privilege of regular bail in Cri. Misc. No. 73528 of 2019 as well as in Cri. Misc. No. 4157 of 2020 as also the petitioner is in custody since 10.07.2019, let the petitioner above named be released on bail in connection with Shahpur P.S. Case No. 268 of 2019 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I, Danapur, Patna, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe



the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

