

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84596 of 2019

Arising Out of PS. Case No.-251 Year-2018 Thana- DIGHA District- Patna

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BIBHOR SINGH @ BIBHOR KUMAR SINGH Son of Raj Kishor Singh
Resident of Village - Brahampal Wali Gali, P.S.- Kulesara, District- Gautam
Buddh Nagar, Uttar Pradesh at present, Resident of Village - Baghawana,
P.S.- Siwan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-09-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the State.

The petitioner has renewed his prayer for bail in a
case registered for the offences punishable under Sections 363
and 366A/34 of the IPC.

The prosecution case, as per the written report of
Rajeev Ranjan Singh, submitted to the S.H.O., Digha Police
Station is to the effect that the niece of the informant, aged
about 14 years was kidnapped by the petitioner and his sister,
namely, Anjali on 18.03.2018, leading to registration of FIR.

Learned counsel for the petitioner submits that the
victim in her statement recorded under Section 164 Cr. P.C., got



her age recorded as 16 years when the Court also assessed her age as such, where the victim has not alleged anything against the petitioner. In fact, the victim was major and she was in love with the petitioner and she of her own went with the petitioner. It is further submitted that for the alleged occurrence of 18.03.2018, the FIR has been lodged on 15.05.2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. 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 petitioner is named in the FIR and the victim in her statement recorded under Section 164 Cr. P.C, has supported the accusation of kidnapping.

Considering the fact that as per the statement of the victim recorded under Section 164 Cr. P. C., the victim is minor and the report of the learned A.D.J. - XXIII, Patna, dated 26.06.2020 to the effect that two witnesses have already been examined during trial but due to pandemic, Covid -19, since the court proceeding is not functional in physical mode, the trial



has not been proceeded further, this Court is not inclined to revise earlier order.

Accordingly, the prayer for bail of the petitioner, in connection Digha P.S. Case No. 251 of 2018 (S. Tr. No. 795 of 2018), pending in the court of learned Additional District Judge, XXIII, Patna is rejected.

However, the petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within a period of nine months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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