

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16191 of 2021**

Arising Out of PS. Case No.-50 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

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Bishwakarma Rai S/O Pabhu Rai R/O Village- Khoripakar, P.S-Garkha,
District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari D/O Birendra Rai R/O Village-Khoripakar, P.S-Garkha,
District-Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 21-01-2022 Due to the third wave of COVID-19 Pandemic, the

matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Complaint
Case No. 50 of 2019 registered under Section 376/511 of the
Indian Penal Code and Section-4 of POCSO Act.



Prosecution case, in short, is that the petitioner and co-accused entered the house of the victim. The petitioner is alleged to have tried to commit rape upon the victim. On protest, the cloth of the victim was torn and her private part was hurt.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The present case has been instituted on the basis of a complaint at the instance of agnate of the victim. A civil dispute is going on between the parties and for the said reason, the present complaint case has been instituted implicating the petitioner and others. According to the complaint case, the victim girl was hurt on her private part but during inquiry, under Section 202 Cr.P.C. no such medical report has been produced by the complainant to prove the said allegations made in the complaint petition.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of



covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Exclusive Special Judge, POCSO, Saran at Chapra in connection with Complaint Case No. 50 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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