

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29692 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- MAINATAND District- West Champaran

Sandeep Ram S/O Late Triveni Ram Resident Of Village Sinhpur, P.S.-
MAINATAND, District-West Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-01-2022 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.

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

A supplementary affidavit has been filed on behalf of
the petitioner enclosing the statement of the victim recorded
under section 164 Cr.P.C.. The same be kept on record.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections 363 and 366A of the Indian Penal



Code and 8 of the POCSO Act.

The prosecution allegation, in short, is that the daughter of the informant was missing and informant on inquiry suspects that she has been kidnapped by the accused person for the purpose of marriage.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The alleged occurrence is said to have taken place on 26.08.2020 for which case was instituted on 02.09.2020. The delay has not been explained by the prosecution. On recovery, the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has stated that she had left the house out of her own will and has already got married with this petitioner.

On behalf of the State, it is submitted that the petitioner is named in the 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, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of learned 7th Additional Sessions Judge -cum- Special Judge, POCSO Act, West Champaran at Bettiah in connection with Mainatand P.S. Case No. 129 of 2020, 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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