
(2020) 08 JH CK 0090

Jharkhand High Court

Case No: Bail Application No. 4987 Of 2020

Pintu Kumar And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: Aug. 11, 2020

Acts Referred:

- Indian Penal Code, 1860 - Section 323, 354, 354A, 354B, 376D, 504, 506, 511
- Protection Of Children from Sexual Offences Act, 2012 - Section 6, 8, 18

Citation: (2020) 08 JH CK 0090

Hon'ble Judges: Kailash Prasad Deo, J

Bench: Single Bench

Advocate: Sheo Kumar Singh, A.K. Tiwari

Final Decision: Allowed

Judgement

Learned counsel for the petitioners has submitted that though there are some defect(s) in the bail application as pointed out by the stamp reporter

dated 06.07.2020 but he has filed an undertaking that he shall remove the defects after the lockdown period is over and the bail application may be

heard as it is a regular bail in which petitioners are in custody since 03.02.2020.

Considering the same, this Court is inclined to hear the bail application

on merit but with condition that petitioners shall remove the defects within 30 days after the lockdown period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lockdown period is over so as to remove the defects. Heard,

learned counsel for the petitioners, Mr. Sheo Kumar Singh and learned counsel for the State, Mr. A.K. Tiwari.

Petitioners has prayed for grant of regular bail in connection with Daltonganj Town P.S. Case No.57 of 2020, for the offence registered under

Sections 354/354A/376-D/511 IPC and under Section 6/18 of POCSO Act. Learned counsel for the petitioners has submitted that it is alleged by the

informant that these two petitioners have tried to sexual assault upon minor victim aged about 12 years. During investigation, several witnesses in

paras 29, 30, 31, 32 and 33 have stated before the investigating officer that there was some altercation for mobile phone upon which the petitioners

have been accused made by the girl for which the case has been instituted and police submitted charge-sheet no.86 of 2020 dated 28.03.2020 under

Sections 354B/323/504/506 IPC and Under Section 8 of POCSO Act and no charge-sheet under Section 376B and 511 IPC has been submitted.

Learned counsel for the petitioners has further submitted that petitioners have no criminal antecedent but victim has alleged against them in her

statement recorded under Section 164 Cr.P.C. and petitioners are in custody since 03.02.2020, as such, they may be enlarged on bail.

Learned counsel for the State has opposed the prayer for bail but has not disputed that charge-sheet has been submitted under Sections 354B/323/504/

506 IPC and Under Section 8 of POCSO Act.

After hearing, learned counsel for the parties and perusing the materials brought on record, since the independent witnesses have given a different

story, charge-sheet has not been submitted under Section 376B and 511 IPC and petitioners are in custody since 03.02.2020, as such, petitioners

(Pintu Kumar and Sushil Kumar) are directed to be released on bail on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) each with two

sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Act, Palamau at Daltonganj in connection with

Daltonganj Town P.S. Case No.57 of 2020 on the following conditions:-

(i) One of the bailors shall be deponent of the present case namely, Surya Prakash Sharma, S/o Virendra Sharma, R/o Village-Lotaniya, P.O.- Kajrat,

P.S.- Husainabad, Japla, District- Palamau having UID Card No.2416 1551 5595.

Office is directed to send photo copy of the UID Card bearing No. 2416 1551 5595 of deponent along with this order to the court below so as to verify

the authenticity of the bailor.

(ii) The Jail Authority shall release the petitioners only after their medical check-up.

(iii) The Civil Surgeon, Palamau is directed to medically examine the petitioners at the time of their release and if require, petitioners shall be taken for

quarantine, but if no such requirement is there, they shall be released forthwith, if not wanted in any other case.

(iv) Petitioners shall appear before the learned trial court on each and every date till conclusion of the trial, failing which the learned trial court shall

cancel the bail bonds of the petitioners.

(v) Petitioners shall also comply with all the guidelines issued by the Government to meet the challenges of Covid-19, as the country is passing through

Pandemic of Covid-19.