

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20776 of 2020**

Arising Out of PS. Case No.-113 Year-2018 Thana- BARAUNI District- Begusarai

CHANDAN KUMAR @ CHANDAN THAKUR Son of Sunil Thakur @
Sunil Kumar Resident of Village - Goura Police Station - Teghra, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 08-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

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 120B, 341, 307 and 387/34 of the IPC and Section 27 of the Arms Act.

Earlier prayer for bail of the petitioner was rejected vide order dated 08.10.2018, passed in Cr. Misc. No. 58107 of 2018 and again vide order dated 27.06.2019, passed in Cr. Misc. No. 37733 of 2019.

The prosecution case, as per the written report of Manoj Kumar, submitted to the S.H.O., Barauni Police Station is to the effect that co-accused Ajit Kumar demanded extortion of Rs. 5 lac from the informant. On 28.03.2018, when the informant was going by a motorcycle with his brother, co-accused Aman Kumar and the petitioner Chandan Kumar came on a motorcycle and asked the informant as to why, he is not making payment of extortion money demanded by co-accused Ajit Kumar and they resorted to fire and threw explosive.

Learned counsel for the petitioner submits that the FIR has been after 30 hours of the initial occurrence. Though, all the chargesheeted witnesses have been examined, but a prosecution witness has to be cross-examined and for that, a petition under Section 311 Cr. P.C. has been filed and the trial is not proceeding due to exceptional circumstance, created due to pandemic, Covid-19.



Learned counsel for the State submits that the accusation is specific against the petitioner.

Considering the present stage of the trial, when all the chargesheeted witnesses have been examined and nature of accusation, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner, in connection with S. Tr. No. 736 of 2018, arising out of Barauni P.S. Case No. 113 of 2018, pending in the Court of learned Addl. District and Sessions Judge-V, Begusarai, is rejected.

However, if trial is not concluded within a period of four months of resumption of court proceeding in physical mode, the petitioner will be at liberty to renew his prayer for bail.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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