

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20243 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

1. SHAMBHU SINGH Son of Ram Sagar Singh R/o Village-Biduri, P.S.- Adhaura, District-Kaimur at Bhabua.
2. Lakari Singh @ Suryakant Singh Son of Naresh Singh R/o Village-Biduri, P.S.-Adhaura, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-09-2020 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 petitioners undertakes to remove the defect(s) within a period of four week 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 is apprehending arrest in a case



registered for the offences punishable under Sections 379 and 411 of the IPC.

The prosecution case, as per the written report of Circle Officer, Adhaura Block, submitted to the S.H.O., Adhaura Police station is to the effect that on the information that the trees on the government land are being cut, on 11.01.2020, the informant inspected the place and got measurement of the land in question done when it was found that altogether 70 trees were cut. Subsequently, from the enquiry made from the Revenue Karamchari and Circle Inspector, the the informant came to know that three accused persons including the petitioners have cut the trees, leading to registration of the case.

Learned counsel for the petitioners submits that no one has seen the petitioners and other co-accused cutting the trees and there is no recovery from the possession of the petitioner. Moreover, the informant could not ascertain whether the land in question is a public land or not. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR with specific accusation.

Considering the suspicious nature of accusation and



the fact that no recovery has been made from the conscious physical possession of the petitioners, coupled with statement made in paragraph no.3 of the petition to the effect that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned court below within a period of six weeks, on furnishing one surety to the satisfaction of the learned Judicial Magistrate-1st Class, Kaimur at Bhabua, in connection with Adhaura P.S. Case No. 03 of 2020, subject to the condition as laid down Under Section 438 of the Cr. P.C.

However, in view of the present pandemic COVID- 19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioners will be confirmed by the learned Court below within three



months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Kaimur at Bhabua, in connection with Adhaura P.S. Case No. 03 of 2020.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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