

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20578 of 2020

Arising Out of PS. Case No.-204 Year-2018 Thana- JHAJHA District- Jamui

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PRAKASH YADAV Son of Late Rajendra Yadav Resident of Village -
Banjima, P.S. - Jhajha, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha

For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-08-2020 The court proceeding has been conducted through
virtual mode.

Since the Court proceeding in physical mode is not
functional due to the present pandemic, Covid-19, the matter
has been listed with defects.

Learned counsel for the petitioners undertakes to
remove the defects within a period of three weeks on
resumption of physical court proceeding.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
Bench.

Heard learned counsels for the petitioners and learned
APP for the State.

The petitioner is languishing in custody since



02.11.2018 in a case registered for the offences punishable under Sections 353 and 307 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Sidheshwar Paswan, S.H.O., Jamui Police Station submitted to the learned C.J.M., Jamui is to the effect that on 04.06.2018 at about 6.50 A.M., the informant received an information from Superintendent of Police, Jamui that notorious criminal Prakash Yadav, the petitioner along with others is preparing to commit some serious offence. Consequently, the raid was laid when several persons were found sitting under a tree and on seeing the police, they started resorting to firing on the police personnel when one person was apprehended, who disclosed his name as Prakash Yadav, the petitioner. From the possession of the petitioner, one country made pistol and one cartridge were recovered and on his instance, from a bush, a muscat was recovered.

Learned counsel for the petitioner submits that there is no specific accusation of firing against the petitioner and in fact none of the police personnel has received firearm injury. In the present case, the charge has been framed on 24.06.2019, but till date no witness has been examined and in the present



exceptional circumstances, created due to pandemic Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future. A statement has been made in paragraph no.3 of the petition that though the petitioner is accused in 13 other cases, but in all those cases, he is on bail.

Learned counsel for the State submits that recovery of arms has been made from the possession of the petitioner and he is having serious criminal antecedent.

Considering the fact that the petitioner has remained in custody since more one and half years and in the present situation, due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future, let the petitioner above named be released on bail for the present provisionally for a period of six months, on furnishing one surety to the satisfaction of the learned SDJM, Jamui, in connection with Jhajha P.S. Case No. 204 of 2018.

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 petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within six months after taking a report from the concerned police station to the effect that the petitioner has substantially not been involved in any criminal case, 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 the learned SDJM, Jamui, in connection with Jhajha P.S. Case No. 204 of 2018.

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

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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