

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20321 of 2020**

Arising Out of PS. Case No.-195 Year-2005 Thana- SIKARPUR District- West Champaran

VIJAY YADAV Son of Ramnath Yadav Resident of Village - Kaudipur
Madhuban Dubari, P.S.- Madhuban, District- Mau (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 01-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-functional due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects within the undertaken time, the office shall place the matter before the bench.

Heard learned counsel for the petitioner and learned counsel for the State.



The present application is for bail in a case of misuse.

The petitioner is languishing in custody since 04.07.2016 in a case registered for the offences punishable under Sections 364(A)/34 of the Indian Penal Code, 1860.

The petitioner was made accused in Shikarpur P.S. Case No. 195 of 2005 wherein he was granted bail vide order dated 18.11.2011 passed in Cr. Misc. No. 37008 of 2011 by a Co-ordinate bench of this Court. Subsequently, the petitioner defaulted and consequently on 15.06.2012, his bail bond was cancelled. The petitioner has been remanded in the present case since 04.07.2016.

It is submitted by learned counsel for the petitioner that the present case (Shikarpur P.S. Case No. 195 of 2005) was registered in the year 2005 and the petitioner was appearing in this case since 2005 but since no progress was made in the case, he went outside



the State to earn his livelihood and therefore, he could appear on some dates before the Court below and his bail bond was cancelled. The petitioner undertakes to appear on each and every date before the Court below.

Learned A.P.P. submits that it is a case for misuse of bail for four years.

Considering the fact that petitioner undertakes to appear regularly before the Court below, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Sessions Judge, F.T.C, 1st, Bettiah, West Champaran in connection with Sessions Trial No. 161 of 2011, arising out of Shikarpur P.S. Case No. 195 of 2005.

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 three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, F.T.C, 1st, Bettiah, West Champaran in connection with Sessions Trial No. 161 of 2011, arising out of Shikarpur P.S. Case No. 195 of 2005 including one surety given at the time of provisional bail.

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

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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