

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20369 of 2020

Arising Out of PS. Case No.-890 Year-2018 Thana- COMPLAINT CASE District- Banka

Arvind Mandal Son of Late Manohar Mandal Resident of Village - Bindi,
Police Station - Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2020 The Court proceeding has been conducted

through virtual mode.

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
undertaken period, the office shall place the matter
before the bench.

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



The petitioner is apprehending his arrest in a complaint case wherein process has been directed to be taken after cognizance being taken for the offences punishable under Sections 323 and 420 of the Indian Penal Code, 1860.

The prosecution case as per the complaint is to the effect that on 05.07.2005 the petitioner borrowed cash amount of Rs. 11000/- from the complainant on promise to return very soon but the petitioner did not return despite several reminders given by the complainant. On 24.06.2018, the complainant went to get his money when he was assaulted by the petitioner and other co-accused persons.

It is submitted by learned counsel for the petitioner that for the accusation of alleged money borrowed in 2005, the present complaint has been filed in 2018. Moreover, there is no proof with regard to payment made to the petitioner.

A statement has been made in para 3 of the



petition that petitioner is not having any criminal antecedent.

Considering the accusation arising out of civil nature of dispute and the fact that for the cause of action arose in year 2005, the complaint has been filed in 2018, coupled with the fact that petitioner is not having any criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Judicial Magistrate, 2nd, Banka in connection with Complaint Case No. 890 of 2018, subject to the conditions as laid down under Section 438(2) 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 petitioner



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

The provisional anticipatory 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 Judicial Magistrate, 2nd, Banka in connection with Complaint Case No. 890 of 2018 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 present application stands disposed of.

(Dinesh Kumar Singh, J)

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