

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20619 of 2020

Arising Out of PS. Case No.-296 Year-2019 Thana- CHHATAUNI District- East Champaran

VIKASH RAI @ MANISH S/o Rajendra Ray Resident of Village- Ram
Nagar, P.S.- Sakra, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Shailendra Kumar

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 is languishing in custody since
18.12.2019, in a case registered for the offence punishable under
Section 392 of the IPC.



The prosecution case, as per the written report of Yado Lal Rai, submitted to the Station House Officer, Chhatauni Police Station is to the effect that the petitioner was the driver of Tata Safari vehicle of one Pramendra Kumar Chaudhary. On 08.07.2019, the petitioner along with the informant and two others went to attend a marriage ceremony, but while they were returning back, the alleged vehicle was robbed off by some miscreants, leading to registration of FIR against unknown. The name of the petitioner sprang up during investigation and subsequently, the petitioner, on arrest, also made confession. Thereafter, the registration number plate of the robbed vehicle was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the robbed vehicle has not been recovered from the house of the petitioner nor the petitioner has been put on T.I. Parade. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in two other case, in which he is on bail. Moreover, the investigation has already been concluded and in the present situation, 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.

Learned APP for the State submits that the name of



the petitioner sprang up during investigation and the registration number plate of the robbed vehicle has been recovered from the house of the petitioner.

Considering the fact that robbed vehicle has not been recovered from the possession of the petitioner, the petitioner has not been put on T.I. Parade, the investigation has already been concluded and the trial is not likely to be concluded due to the pandemic, Covid-19, 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 the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 296 of 2019.

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 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.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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 296 of 2019.

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 three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

