

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20280 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- BARACHATTI District- Gaya

BINOD RAVIDAS @ VINOD RAVIDAS @ BINOD DAS S/o Dashrath
Ravidas R/o village- Haradawan, P.S.- Dobhi, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mrs. Pushpa Sinha

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 is not functional, due to present pandemic Covid-19, the present application has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within undertaken period, the office will again place the matter on board.

Heard learned counsel for the petitioner and the State.

The present application has been filed in a case of misuse of bail.

The petitioner was made accused in connection with



Barachatti P.S. Case No. 10 of 2020, registered for the offences punishable under Sections 399 and 402 of the IPC and Sections 25(1-B), 26 and 35 of the Arms Act.

The basic accusation was that on information that the miscreants are preparing to commit dacoity, raid was laid, when one live cartridge was recovered from the possession of the petitioner. Consequently, the petitioner was granted bail vide order dated 04.08.2009, passed by learned A.D.J.-I, Gaya with a condition that the petitioner will appear on each and every date, but the petitioner failed to appear before the learned Court below, as a result, his bail bonds were cancelled vide order dated 27.08.2009, and he was declared absconder, vide order dated 13.06.2017 and now the petitioner is in custody since 10.01.2020.

It is submitted by learned counsel for the petitioner that the petitioner is in custody since last about seven months, but there is no progress in the trial. It is further submitted that since the petitioner went outside the state to earn his livelihood, hence, he could not appear. However, the petitioner undertakes to appear before the learned Court below on regular basis.

Learned APP submits that the petitioner misused the privilege of bail earlier granted to him.



Considering the fact that the petitioner is languishing in custody since last about seven months, earlier the petitioner was granted bail on merits as well as the undertaking of the petitioner that he will regularly appear before the learned 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 the learned C.J.M., Gaya in connection with Barachatti P.S. Case No. 10 of 2020.

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.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 C.J.M., Gaya in connection with Barachatti P.S. Case No. 10 of 2020.

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.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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