

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20326 of 2020

Arising Out of PS. Case No.-307 Year-2018 Thana- GAYA KOTWALI District- Gaya

SACHIN KUMAR @ SACHIN KUMAR SINGH S/o Bhartendu Singh
Resident of Mohalla- New Colony, Dandi Bagh, P.S.- Vishunpad, Distt- Gaya,
Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyavrat Verma
For the Opposite Party/s : Mrs. Meena Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2020 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 petitioner has renewed his prayer for bail 3rd time in a case registered for the offences punishable under Sections 406, 408, 420 and 120B/34 of the IPC.

Initially, the petitioner's bail application was rejected



vide order dated 29.11.2018, passed by a Co-ordinate bench of this Court in Cr. Misc. No. 60476 of 2018 with a direction to the trial court to expedite the trial. Thereafter, vide order dated 31.07.2019, passed by the same bench in Cr. Misc. No. 45724 of 2019, prayer for bail of the petitioner was again rejected with a liberty to renew prayer for bail if the trial is not concluded within a period of six months with a condition that the petitioner had to move the trial court first, but instead of moving before the trial court, the petitioner moved to the Supreme Court by filing Special Leave to Appeal (Crl.) No. 9327 of 2019, but the same was disposed of as withdrawn vide order dated 18.02.2020, as contained in Annexure-3, with a liberty to the petitioner to file the application before the High Court for grant of bail. Hence, the present application.

The prosecution case, as per the written report of Neeraj Kumar, submitted to the S.H.O., Gaya Kotwali Police Station is to the effect that the informant is a C.N.F. agent of Bangur cement for the districts of Gaya and Jehanabad. The petitioner, being a computer operator of the informant, in connivance with the other employees, supplied cements to the dealers on Rs. 75-100/- per bag lesser than the purchased price and thereby caused loss to the informant to the tune of Rs.



1,13,22,000/-, leading to registration of FIR.

Learned counsel for the petitioner submits that the petitioner had no role to play in supplying the cements to the dealers at the lesser price. In fact, at the time of supply of the cement from the go-down, three cash-memo are being prepared, one is given to the driver of the truck, the other one is given to the officer of the C.N.F. go-down and third one is given to the sub-dealer. The informant made accusation against the petitioner since he stopped working as C.N.F. of the said company and hence, he put entire blame on him to save his own skin since he actually caused loss to the company. Moreover, the investigation has already been concluded and out of six witnesses, only two witnesses have been examined and in the present situation, created due to present pandemic, Covid -19, since the physical court is not functional, there is no likelihood of trial being concluded in near future. The petitioner is languishing in custody since 18.06.2018.

It is submitted by learned counsel for the State submits that the thrust of accusation is against the petitioner, who have misappropriate huge amount.

Considering the fact that accusation in the FIR does not suggest any entrustment to the petitioner, earlier prayer for



bail of the petitioner was rejected with a liberty to renew his prayer after six months if the trial is not concluded and in the present situation, created due to present pandemic, Covic-19, since the physical court is not functional, 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 three months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate-XI, Gaya in connection with Gaya Kotwali P.S. Case No. 307 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 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 Additional Chief Judicial Magistrate-XI, Gaya in connection



with Gaya Kotwali P.S. Case No. 307 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 three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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