

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19103 of 2020

Arising Out of PS. Case No.-166 Year-2018 Thana- KHAGAUL District- Patna

Sunny Kumar @ Rohit @ Sunny, aged about 34 years (Male), Son of Late
Vijay Prasad Resident of Village - Kothawan, P.S.- Khagaul, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Nobody appears on behalf of the petitioner.

3. On 16.06.2020, the Court had recorded the
following:

*“The matter has been heard via video
conferencing due to lockdown imposed on account
of the COVID-19 pandemic.*

*2. Nobody appears on behalf of the
petitioner. Mr. Upendra Kumar, learned APP for the
State is present.*

*3. On 18.05.2020, at the request of Mr.
Ravi Kant Kumar, learned counsel for the petitioner,
the matter was adjourned and fixed for 27.05.2020.
On 27.05.2020 also, learned counsel for the
petitioner had filed an application seeking further
two weeks’ adjournment on the ground of his illness.
Accordingly, the matter was fixed for today.*

4. The Court Master has informed that



Mr. Ravi Kant Kumar, learned counsel for the petitioner, is aware of all the developments and yesterday, in his talk with the Court Master, he had stated that two of his colleagues would be assisting the Court. Today, repeatedly the matter was called and the Court further asked the Court Master to once again ring up Mr. Ravi Kant Kumar, learned counsel, but despite full ring going, nobody picked up his phone. The Court, again, called upon learned counsel, who had joined the proceeding, as to whether anybody was appearing on behalf of the petitioner in the present case, none of the learned counsel responded. It, thus, appears that the matter has been left unattended.

5. In the aforesaid background, the Court could have proceeded to decide the matter after hearing learned APP as there was no justifiable reason to further adjourn the matter.

6. However, for the ends of justice, by way of extraordinary indulgence, the matter be listed on 19th June, 2020, after obtaining permission of Hon'ble the Chief Justice. It is made clear that if on that date also there is no representation on behalf of the petitioner, the Court would proceed to finally decide the matter without giving any further accommodation.

7. Let the Registry communicate the present order also to Mr. Ravi Kant Kumar, learned counsel for the petitioner.

8. Let the name of Mr. Upendra Kumar, learned APP be printed in the cause list in the column of the opposite parties.”

4. The Court Master has informed that the order dated 16.06.2020 has been communicated to Mr. Ravi Kant Kumar, learned counsel. Under the circumstances the Court has proceeded with the hearing.



5. Accordingly, the Court has heard learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

6. The petitioner is in custody in connection with Khagaul PS Case No. 166 of 2018 dated 02.07.2018 instituted under Sections 386/506/34 of the Indian Penal Code.

7. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 21.12.2018 in Cr. Misc. No. 69167 of 2018 in which the following order was recorded:

"The petitioner seeks regular bail in connection with Khagaul P.S. Case No. 166 of 2018, registered for offences punishable under Sections 386, 506 and 34 of the Indian Penal Code.

Prosecution case is that the informant is a contractor, who is engaged in electrical works of Indian Railway and it is alleged that a demand of extortion was made from him by the petitioner saying that he is Ritlal Mukhiya and if the informant wants to continue his work smoothly, he will have to pay the extortion money. Apart from that petitioner is an accused in one more case.

It has been submitted on behalf of the petitioner that he has falsely been made accused in this case and he was working on the instruction of his boss. Further no offence under Section 386 of the Indian Penal Code is made out against the petitioner. Petitioner has been in judicial custody for six months.

Having heard both sides, considering the facts and circumstances of the case as well as the



criminal antecedents of the petitioner, I am not inclined enlarge the petitioner on bail.
This application is accordingly dismissed.”

8. Having regard to the aforesaid and upon going through the pleadings and taking note of the submissions of learned APP, Court finds that the matter has already been dismissed earlier on merits and no fresh ground has been made for grant of bail to the petitioner. Thus, the Court is not inclined to enlarge the petitioner on bail.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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