

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22698 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

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ARUN KUMAR SINGH @ RUDRA SINGH Son of Jainath Singh Resident
of Village-Sijhua @ Sijhua Kala, P.S.-Ramgarh, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 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
05.04.2019, in a case initially registered for the offence
punishable under Section 392 of the IPC, subsequently, Section



395 IPC was also added.

The prosecution case, as per the written report of Arvind Kumar Chaurasiya, submitted to the S.H.O., Durgawati Police Station is to the effect that the informant being the owner-cum-driver of a truck, was transporting construction material when he parked the truck near a motel in the village, Kulhariya where two accused persons boarded in the truck and robbed Rs. 25,000/- from the informant and Rs. 80/- from the cleaner and subsequently, they escaped from the scene, leading to registration of FIR against unknown persons. The name of the petitioner sprang up on the confession of co-accused Veenit Kumar.

Learned counsel for the petitioner submits that no recovery has been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. It is further submitted that the petitioner has not been put on T.I. Parade and co-accused, Veenit Kumar, on whose confession, the name of the petitioner sprang up, has been granted bail by a Co-ordinate bench of this Court, vide order dated 16.01.2020, passed in Cr. Misc. No. 193 of 2020. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in six other



cases, 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.

Considering the fact that investigation has already been concluded, the petitioner has not been put on T.I. Parade, period under custody, other co-accused person, on whose confession, the name of the petitioner sprang, has been granted bail by a Co-ordinate bench of this Court 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 Additional District and Sessions Judge, VII, Kaimur at Bhabua, in connection with S. Tr. No. 143 of 2019, arising out of Durgawati P.S. Case No.18 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 Additional District and Sessions Judge,VII, Kaimur at Bhabua, in connection with S. Tr. No. 143 of 2019, arising out of Durgawati P.S. Case No.18 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)

Amrendra/-

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