

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22770 of 2020

Arising Out of PS. Case No.-651 Year-2015 Thana- BHABHUA District- Kaimur (Bhabua)

Shivendra Kumar Singh @ Guddu Singh Son of Vijay Bahadur Singh
Resident of Village- Bhabua Professor Colony Ward No.05, P.S.- Bhabua,
Distt- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and
learned APP for the State.

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
23.11.2019 in a case registered for the offences punishable



under Sections 420, 406, 422 and 423 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the complaint filed by Kalawati Kunwar which was subsequently registered as police case, is to the effect that the petitioner entered into an agreement with the informant for transfer of a house in favour of the informant and taken Rs.3,00,000/- from the informant as consideration amount but neither the sale deed was executed nor the money was returned.

It appears that the petitioner was earlier granted provisional anticipatory bail vide order dated 19.07.2016 passed in Cr. Misc. No. 9865 of 2016 by a Co-ordinate bench of this Court on the undertaking of the petitioner that he is ready to return the money taken by the informant but he failed to return the same.

It is submitted by learned counsel for the petitioner that the investigation has already been concluded and the accusation arising out of civil nature of dispute. Though, the petitioner is accused in four other cases but he is on bail in all those cases.

Learned APP for the State submits that the



accusation is specific against the petitioner.

Considering the nature of accusation arising out of civil nature of dispute and the fact that the investigation has already been concluded, 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, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 651 of 2015.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 651 of 2015.



The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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