

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19880 of 2020**

Arising Out of PS. Case No.-246 Year-2019 Thana- RANIYATALAB District- Patna

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Bhirgu Yadav @ Ganpati Rai S/o Sri Raj Kumar Yadav @ Shukhari Yadav  
R/o Village- Yamunapur, Amhara, Police Station- Bihta, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate  
For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      20-08-2020                      Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. Inspite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

Heard Mr. Ravi Kant Kumar learned counsel for the



petitioner and Dr. Mritunjay Kumar Gautam, learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with Rani Talab P.S. Case No. 246 of 2019 registered for the offences punishable under Section 414 read with 34 of the Indian Penal Code.

Regard being had to the allegation made in the first information report that the petitioner and four others were moving on two motorcycles in suspicious condition, when the police tried to stop them, they started running away and one of them, namely, Krishana Kumar was apprehended, who disclosed name of the petitioner and others and also confessed that the motorcycles were stolen property and they were going to commit theft after breaking open the *gumti*, I am not inclined to grant pre-arrest bail. The application is rejected.

In case, the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-



- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Ravi Kant Kumar, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

**(Ashwani Kumar Singh, J)**

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