

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22665 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

RISHI KUMAR S/o Virendra Kumar @ Birendra Kumar Resident of Village-
Sadpur, P.S.-Sahebpur Kamal, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

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

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
16.02.2020, in a case registered for the offences punishable
under Sections 25(1-B)a, 26 and 35 of the Arms Act.



The prosecution case, as per the written report of S.I., Arvind Sukla submitted to the S.H.O., Sahebpur Kamal Police Station is to the effect that on 15.02.2020, during night patrolling, the informant came to know that in the background of land dispute, the fight is going on between the sons of Birendra Kumar and Bhim Mahto, when the informant reached there and found that the accused persons were threatening each other on the point of pistol when from the possession of the petitioner, one country made pistol and live cartridges were recovered.

Learned counsel for the petitioner submits that the petitioner has maliciously been framed in the present case in the background of land dispute. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. 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 arms were recovered from the possession of the petitioner.

Considering the fact that fact that the investigation



has already been concluded, the period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, 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 C.J.M. Begusarai, in connection with Sahebpur Kamal P.S. Case No. 44 of 2020.

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 C.J.M.
Begusarai, in connection with Sahebpur Kamal P.S. Case No. 44
of 2020.

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/Ashwini

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