

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22257 of 2020

Arising Out of PS. Case No.-283 Year-2019 Thana- BANMANKHI District- Purnia

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Priyanshu Kumar @ Guddu Kumar @ Priyanshu @ Guddu Kumar Son of Sri
Vidhyanand Jaiswal @ Vidyanand Jaiswal Resident of Village- Rampur
Tilak, P.S.- Jankinagar, Distt- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-08-2020 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.

In spite 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 learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.



The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Banmankhi P.S. Case No.283 of 2019 registered under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the petitioner is neither named in the FIR nor any incriminating article has been recovered from his possession nor he has been put on T.I. Parade during investigation. He contended that the petitioner has been remanded in this case on 10.12.2019 only on the basis of inadmissible confessional statement of co-accused, namely, Suraj Kumar.

Learned counsel for the State has opposed the application for grant of bail to the petitioner.

Considering the facts and circumstances of the case and the submissions made above, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea in connection with Banmankhi P.S. Case No.283 of 2019.

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. Amit Kumar Anand, 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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