

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20898 of 2020

Arising Out of PS. Case No.-10 Year-2019 Thana- RAGHUNATHPUR District- Siwan

- =====
1. Panchdeo Pandey Son of Late Vishwanath Pandey Resident of Village-Dhanauti Hata, P.S.-H.M. Nagar, District-Siwan.
 2. Amit Pandey @ Amit Kumar Pandey Son of Panchdeo Pandey Resident of Village-Dhanauti Hata, P.S.-H.M. Nagar, District-Siwan.
 3. Indu Devi @ Indu Pandey Wife of Avinash Pandey Resident of Village-Dhanauti Hata, P.S.-H.M. Nagar, District-Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Narendra Kamal, APP

=====

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. 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 Mr. Ashok Kumar Mishra, learned counsel for the petitioners and Mr. Narendra Kamal, learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Raghunathpur P.S. Case No. 10 of 2019 registered for the offences punishable under Section 354D (ii) of the Indian Penal Code and Section 67 of the Information Technology Act.

It is stated by the learned counsel for the petitioners that even if the allegations levelled against the petitioners are taken to be true at its face value, the ingredients of the offence alleged in the first information report would not be attracted against them.

Regard being had to the fact that the main allegation is against co-accused Avinash Pandey and not the petitioners and the allegation against the petitioners is that they have not objected to the activity of Avinash Pandey, the petitioners are directed to be released on bail, in the event of their arrest or surrender, on furnishing bail bond of Rs.10,000/- (Rupees ten



thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIIth, Siwan in connection with Raghunathpur P.S. Case No. 10 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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. Ashok Kumar Mishra, learned counsel for the petitioners 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)

rohit/-

U		T	
---	--	---	--

