

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22678 of 2020

Arising Out of PS. Case No.-189 Year-2019 Thana- KOTWALI District- Patna

SANJAY KUMAR Son of Dharmu Mandal Resident of Village/ Muhalla-
Buddha Colony, P.S.- Buddha Colony, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Ram Naresh Rai, APP

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 has renewed his prayer for bail in a
case registered for the offences punishable under Sections 392
of the IPC.



The prosecution case, as per the written report of Dinesh Chandra Rai, submitted to the S.H.O., Patna Kotwali Police Station is to the effect that on 04.03.2019, the informant along with his daughter was going by a motorcycle when miscreants robbed Rs. 2,50,000/- and a mobile phone of the daughter of the informant, leading to registration of FIR against unknown persons. The name of the petitioner sprang up during investigation. It is further alleged that the robbed mobile of the daughter of the informant was recovered from the possession of the petitioner and subsequently, the daughter of the informant, during T.I. Parade, identified the petitioner.

Learned counsel for the petitioner submits that earlier prayer for bail of the petitioner was rejected vide order dated 27.11.2019, passed in Cr. Misc. No. 61197 of 2019, whereby the learned trial court was directed to conclude the trial within a period of six months, but till date only the charge has been framed 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. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP for the State submits that robbed mobile of the daughter of the informant has been recovered from the possession of the petitioner and he has been identified by the daughter of the informant.

Considering the fact that investigation has already been concluded, period under custody, there is no progress in the trial 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 Judicial Magistrate, 1st Class, Patna, in connection with Kotwali P.S. Case No. 189 of 2019.

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 Judicial Magistrate, 1st Class, Patna, in connection with Kotwali P.S. Case No. 189 of 2019.

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.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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