

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21980 of 2020

Arising Out of P.S. Case No.-47 Year-2020 Thana-Piri Bazar District-Lakhisarai

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Vijay Prasad S/o Late Ganga Prasad R/o Village-Mahsoni, P.S. Piri Bazar,
District-Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate
For the Opposite Party : Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-08-2020 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. Binay Kumar, learned counsel for the petitioner and Mrs. Anita Kumari Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with Piri Bazar P.S. Case No. 47 of 2020 registered for the offences punishable under Section 7 of the Essential Commodities Act.

It is contended by the learned counsel for the petitioner that save and except the ocular allegation made by four card holders attached to the public distribution system shop of the petitioner that he was charging rupees one more per kg. for distributing food grains, there is no other material against the petitioner. The above ocular allegation does not find support by any other witness during investigation. It is further contended that the allegations have been made by the four card holders with ulterior motive and it is a glaring example of malicious prosecution.

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

Considering the allegations in the first information report, the submissions made on behalf of the parties and the statement made in para-3 of the application that the petitioner has got no criminal antecedent, he is directed to be released on



bail, in the event of his 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 S.D.J.M., Lakhisarai in connection with Piri Bazar P.S. Case No. 47 of 2020, 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 Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. 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. Binay Kumar,



learned counsel for the petitioner also on his email.

- (v) Let steps be taken by the Sr. 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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