

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23393 of 2020

Arising Out of PS. Case No.-204 Year-2019 Thana- THawe District- Gopalganj

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Minti Devi @ Meena Devi Wife of late Subhash Yadav Resident of Village -
Bidesh Tola, P.S.- Thawe, Distt - Gopalganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party : Mr. Ram Anurag Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2020 Filing through e-mail 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.

2. 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 e-mail. In spite of that, considering the extra-ordinary

situation, filing of the present application has been allowed

through e-mail.

3. Considering the situation prevailing, the

Court has considered, for the present, to ignore the deficiency in

filing of the application.



4. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

5. 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 Thawe P. S. Case No.204 of 2019/GR No.3727 of 2019 registered under Sections 363 and 366 A of the Indian Penal Code.

6. It is submitted by the learned counsel for the petitioner that though the date of occurrence is 22nd November, 2019, the first information report was lodged on 26th November, 2019. The parents of the victim being fully aware of the fact that he had gone together with Suraj Yadav, son of the petitioner, as they were having affairs from before did not institute the FIR, but the cousin brother of the victim has lodged the FIR. It is also contended that the story of kidnapping, etc. is nothing but an afterthought. The victim out of her own sweet-will eloped together with aforestated Suraj Yadav.

7. Learned Additional Public Prosecutor for the State has opposed the application for grant of bail to the petitioner.

8. Considering the nature of allegation made in the FIR, the petitioner, a widow, who is in custody since



16.12.2019, 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 Chief Judicial Magistrate, Gopalganj in connection with Thawe P. S. Case No.204 of 2019/GR No.3727 of 2019.

9. 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 e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail 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. Umesh Kumar Singh, learned counsel for the petitioner also on his e-mail.
- (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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