

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21811 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- DHURAIYA District- Banka

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1. Mahendra Mishra, S/o Late Sahajlal Mishra, Resident of Village- Baghakol, P.O. Bnsantari, P.S.- Basantra, Distt- Godda (Jharkhand).
 2. Guddu, S/o Late Aziz, Resident of Village- Sarkkanda, P.S.- Sanhola, District- Bhagalpur.

... .. Petitioners

Versus

1. The State of Bihar
2. The Assistant Director, Mines and Geology Department, Banka.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Advocate
For the Opposite Party : Ms. Asha Kumari, APP

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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 learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection Dhoraiya P.S. Case No. 44 of 2020 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, Section 15 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 and Section 15 of the Environment (Protection) Act, 1986.

Regard being had to the nature of the offence and the allegations made in the first information report, I am not inclined to grant pre-arrest bail to the petitioners. The application for grant of pre-arrest bail is rejected.

In case, the petitioners surrender and seek bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

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. Ajay Mukherjee, 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.)

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