

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21809 of 2020

Arising Out of P.S. Case No.-623 Year-2019 Thana- Gopalganj Town District- Gopalganj

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Nitish Kumar @ Nitish Singh, Gender-Male, aged about 32 years, son of Anil Singh, resident of village- Bhitbherwa, Police Station-Gopalganj Town, District-Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Javed Aslam, Advocate
		Ms. Devika Rani, Advocate
For the Opposite Party	:	Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 16-07-2020 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. Javed Aslam, learned counsel for the petitioner and Mr. Shantanu Kumar, learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with Gopalganj Town P.S. Case No. 623 of 2019 registered under Sections 341, 323, 307, 379, 427 read with 34 of the Indian Penal Code.

Considering that though nine persons including the petitioner, one of whom was armed with pistol are alleged to have assaulted the informant, the injuries sustained by the informant are all simple as also that the allegation is not of causing any injury by firearm but by the butt of pistol, in the event of his arrest or surrender, the petitioner 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 the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 623 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since, there is a State wide lockdown, the Court has considered it 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 Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the 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. Javed Aslam, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Secretary for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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