

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22209 of 2020

Arising Out of PS. Case No.-104 Year-2018 Thana- KUDHNI District- Muzaffarpur

RAKESH KUMAR MAHTO @ RAKESH MAHTO @ RAJEEV RANJAN
Son of Maheshwar Mahto Resident of Village - Malpur Agrail, P.S.- Sakra,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-08-2020 The court proceeding has been conducted through
virtual mode.

Since the Court proceeding in physical mode is not
functional due to the present pandemic, Covid-19, the matter
has been listed with defects.

Learned counsel for the petitioners undertakes to
remove the defects within a period of three weeks on
resumption of court proceeding in physical mode.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
Bench.

Heard Mr. Ansul, learned counsel for the petitioner
and Mr. B.N. Pandey, learned APP for the State.

The petitioner is languishing in custody since



23.01.2020 in a case registered for the offence punishable under Section 392 of the IPC.

The prosecution case as per the written report of Laliteshwar Kumar, submitted to the Station House Officer, Kudhani Police Station is to the effect that on 09.03.2018, the informant, being a driver of a public carrier (Pick Up van) was transporting goods from Muzaffarpur to Lalganj, but on the way, the pick up van and mobile of the informant were robbed, leading to registration of FIR against unknown persons. The name of the petitioner sprang up on recovery of the pick up van loaded with illicit liquor, while being driven by one Arun Chaudhary along with cleaner Ram Naresh Ram, who disclosed that the consignment was ordered by the petitioner, leading to registration of Baligaon P.S. Case No. 12 of 2018.

Learned counsel for the petitioner submits that the FIR has been lodged against unknown and no recovery has been made from the conscious physical possession of the petitioner. The investigation has already been concluded. The petitioner has not been put on T.I. parade while the investigation has already been concluded. Moreover, in the present prevalent 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. Moreover, other similarly situated co-accused persons, Ram Naresh Ram and and Ranjeet Kumar Sah have been granted bail by different Co-ordinate benches of this Court, vide order dated 20.11.2019 and 04.12.2018 passed in Cr. Misc. Nos. 55475 of 2019 and 70739 of 2018, respectively.

Learned APP submits that the name of the petitioner sprang up during investigation when it was found that the robbed pick up van was being used for transportation of illicit liquor at the behest of the petitioner.

Considering the nature of accusation, period under custody and the fact that the investigation has already been concluded but the petitioner has not been put on T.I. Parade, 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 ACJM-III-cum-Sub-Judge, Muzaffarpur, in connection with Kudhani P.S. Case No. 104 of 2018.

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 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 the learned ACJM-III-cum-Sub-Judge, Muzaffarpur, in connection with Kudhani P.S. Case No. 104 of 2018.

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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

