

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21957 of 2020

Arising Out of P.S. Case No.-589 Year-2019 Thana-Maner District-Patna

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Munna Rai, S/o Vijay Rai @ Fauzi, R/o Village - Daudpur, P.S.- Shahpur,
District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party : Mr. Jai Narayan Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-08-2020 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 petitioner and learned Additional Public Prosecutor for the State.

The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection Maner P.S. Case No. 589 of 2019 registered for the offences punishable under Sections 143, 144, 147, 148, 149, 332, 307, 353 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by the learned counsel for the petitioner that an omnibus and general allegation has been made against more than 100 persons including the petitioner. He contended that there is no specific allegation against the petitioner and merely on vague allegation, he is in custody for about seven months. He contended that the investigation has been completed and custodial interrogation of the petitioner is not warranted. He has got roots in the society and is not likely to abscond or tamper with the evidence.

On the other hand, learned counsel for the State submitted that two groups were fighting with each other and had resorted to firing. When this information was received by the police, the police force went there in order to pacify the matter but the members of both the groups started pelting stones on the



police party as a result of which some police personnel also got injured.

In reply, learned counsel for the petitioner submitted that there is no injury report and if any injury was caused to any police personnel, it was superficial in nature. It is also contended that as far as the petitioner is concerned, the allegations are absolutely vague.

Regard being had to the facts and circumstances of the case, 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 Judicial Magistrate-1st Class, Danapur in connection with Maner P.S. Case No.589 of 2019.

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. Dhananjay Kumar Tiwary, learned counsel for the petitioner 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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