

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21824 of 2020

Arising Out of P.S. Case No.-90 Year-2016 Thana-Bairiya District-Bettiah, West Champaran

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1. Tetari Devi, W/o Rahi Yadav, R/o Dumaria, P.S. Bairiya, District-West Champaran.
 2. Rambabu Yadav, S/o Rahi Yadav, R/o Dumaria, P.S. Bairiya, District-West Champaran.
 3. Rabari Devi, W/o Rajendra Yadav @ Nandlal Yadav, R/o Dumaria, P.S. Bairiya, District-West Champaran.
 4. Om Prakash Yadav @ Prakash Yadav, S/o Rajendra Yadav @ Nandlal Yadav, R/o Dumaria, P.S. Bairiya, District-West Champaran.
 5. Mohan Yadav, S/o Late Narayan Yadav, R/o Dumaria, P.S. Bairiya, District-West Champaran.
 6. Rajendra Yadav @ Nandlal Yadav, S/o Late Narayan Yadav, R/o Dumaria, P.S. Bairiya, District-West Champaran.
 7. Lal Babu Yadav, S/o Rahi Yadav, R/o Dumaria, P.S. Bairiya, District-West Champaran.
 8. Ashok Kumar @ Ashok Yadav, S/o Late Vishwanath Prasad, R/o Village-Pakhanaha, P.S. Bairiya, District-West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Shrivastava, Adv.
Mr. Ravish Mishra, Adv.
For the Opposite Party : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 17-07-2020 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. Sanjeev Kumar Shrivastava, learned counsel for the petitioners and Mr. Shantanu Kumar, learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Bairiya P.S. Case No. 90 of 2016 registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code.

Considering that on completion of investigation, the police found the petitioners innocent and submitted charge-sheet only against co-accused Gauri Yadav under Section 366 of the Indian Penal Code but, three years after the final report was submitted, the learned Magistrate took cognizance of the



offence and summoned the petitioners also differing with the police report submitted under Section 173(2) of the Code of Criminal Procedure, I am inclined to grant pre-arrest bail to the petitioners. They are directed to be released on bail, in the event of their arrest or surrender, 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, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 90 of 2016, 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 Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. 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) The said order shall be communicated to the Court for the needful by the Sr. Secretary through email.
- (v) Let a copy of the order be sent to Sanjeev Kumar Shrivastava, learned counsel for the petitioners also on his email.
- (vi) Let steps be taken by the Sr. 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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