

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23394 of 2020

Arising Out of PS. Case No.-716 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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Aashu Kumar Singh Son of Late Subhash Singh Resident of Village - Hardo
Mathiya, P.S.- Kuchaikote, District - Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2020 Filing through e-mail 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 e-
mail. In spite of that, considering the extra-ordinary situation,
filing of the present application has been allowed through e-
mail.

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 counsel for the State.

The Petitioner seeks bail in connection with Gopalganj P.S. Case No. 716 of 2019 registered for the offences punishable under Sections 413 and 414/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that by now the petitioner has remained in custody for about ten months. Charge-sheet has already been submitted and the case has yet not been committed to the court of Session. It is further contended that implication of the petitioner in the present case is out of suspicion and, as a matter of fact, no stolen article was recovered from his possession.

On the other hand, learned counsel for the State submitted that as per the prosecution case, the petitioner along with one another was apprehended by the police in presence of independent witnesses and from their possession, two motorcycles were recovered.

Considering that the case of the petitioner relates to habitually dealing in stolen property and he was apprehended with stolen motorcycles, I am not inclined to grant him bail for the present. The prayer for bail is rejected.



However, petitioner would be at liberty to renew his prayer for bail, in case, trial is not completed within three months from the date of framing of charge, before the court below itself.

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 e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail 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) Let a copy of the order be sent to Mr. Indrajeet Bhushan, learned counsel for the petitioner also on his e-mail.



- (v) Let steps be taken by the Sr. Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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