

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23388 of 2020**

Arising Out of PS. Case No.-50 Year-2020 Thana- NAANPUR District- Sitamarhi

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1. Raja Kumar, S/o Ram Babu Mahto, Resident of Village - Nanpur, P.S. - Nanpur, Distt. - Sitamarhi.
  2. Chhotan Kumar, S/O Ramanand Mahto, Resident of Village - Sumhauti, P.S. - Runnisaidpur, Distt. - Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mr. Sanjay Kumar, Advocate  
For the Opposite Party : Mr. Sanjay Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      12-10-2020                      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 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 petitioners and learned



Additional Public Prosecutor for the State.

The petitioners have filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Nanpur P.S. Case No. 50 of 2020 registered under Sections 399, 402 of the Indian Penal Code, Sections 25(1-B)a, 26 and 35 of the Arms Act.

It is submitted by the learned counsel for the petitioners that nothing incriminating was recovered from the possession of the petitioners. The motorcycle, which was seized from petitioner no.2 and the alleged country-made pistol and two live cartridges were recovered from possession of co-accused Manish Kumar and the alleged motorcycle without any registration number was recovered from Dipu @ Deepak Kumar. It is further contended that the petitioners are in custody since 19.02.2020 for none of the fault on their part.

Learned counsel for the State has opposed the application for grant of bail to the petitioners.

Considering the nature of offence, submissions advanced at the Bar and the pleadings made in the application, the petitioners are 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 S.D.J.M. Pupri at Sitamarhi in connection with Nanpur P.S. Case No.50 of 2020.



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. Sanjay Kumar, learned counsel for the petitioners 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.)**

sanjeet/-

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