

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21863 of 2020

Arising Out of P.S. Case No.-844 Year-2019 Thana-Sonpur District-Saran

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Vijay Kumar Singh, S/o late Ram Naresh Singh, resident of village- Iniyar,
P.S. Mufassil in the District of Begusarai at present residing at village-
Paharichack, P.S.- Sonpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Braj Nandan Kumar Tiwary, Advocate
		Mr. Rajoday Satyjeet, Advocate
For the Opposite Party	:	Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-07-2020 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. B.N. Tiwary, learned counsel for the petitioner and Mr. Ramchandra Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with Sonpur P.S. Case No. 844 of 2019 registered for the offences punishable under Sections 420, 509 and 120B of the Indian Penal Code and Sections 66, 67 and 67C of the Information Technology Act.

Learned counsel for the petitioner submitted that the allegations made in the first information report would not attract the ingredients of the offences alleged in the first information report against the petitioner. According to him, the allegations are confined against co-accused Saurabh Kumar @ Nickky Singh. The name of the petitioner has been mentioned in the first information report merely on hypothetical presumption and wild suspicion.

Learned counsel for the State while opposing the application for grant of pre-arrest bail to the petitioner submitted that the petitioner is an accused in a case of 304B of the Indian Penal Code and being full brother of the informant of the present case, he is trying to malign her character with



connivance of co-accused Saurabh Kumar @ Nickky Singh.

Having heard the parties and perused the allegations made in the first information report, the petitioner is directed to be released on bail, in the event of his 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, Saran at Chapra in connection with Sonpur P.S. Case No. 844 of 2019, 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) Let a copy of the order be sent to Mr. B.N. Tiwary, learned counsel for the petitioner also on his email.
- (v) 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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