

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21951 of 2020

Arising Out of P.S. Case No.-27 Year-2020 Thana-Sohsarai District-Nalanda

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Manudeb Prasad @ Munna Prasad @ Dilip Saw @ Dilip Kumar, S/o
Bhuneswar Saw, R/o Village-Cheran, P.S. Harnaut, District-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate
For the Opposite Party : Mr. Dashrath Mehta, 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 Mr. Anil Kumar Singh, learned counsel for the petitioner and Mr. Dashrath Mehta, learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with Sohsarai P.S. Case No. 27 of 2020 registered under Sections 379, 420 and 506 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that co-accused Awadhesh Gupta @ Awadhesh Prasad, driver of the truck, against whom allegation is graver than the petitioner has already been granted pre-arrest bail by this Court vide order dated 16th March, 2020 passed in Cr. Misc. No.21817 of 2020. It is further contended that the petitioner has been implicated in this case merely because he happens to be the owner of the truck on which onion packets were loaded for being transported from one place to another.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. However, he does not dispute the fact that co-accused Awadhesh Gupta @ Awadhesh Prasad has already been granted pre-arrest bail by this Court

Considering the submissions advanced on behalf of the parties and the reasons recorded vide order dated 16th July,



2020 passed in Cr. Misc. No.21817 of 2020, in the event of his arrest or surrender, 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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No.27 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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 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. Anil Kumar Singh, 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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