

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21826 of 2020

Arising Out of P.S. Case No.-224 Year-2017 Thana-Gaighat District-Muzaffarpur

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Guddu Kumar @ Guddu Singh, S/o Suresh Singh @ Suresh Prasad
Singh, R/o Village-Bela Gopi, P.S. Gaighat, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Arun Kumar, Adv.
For the Opposite Party : Dr. Mritunjay Kumar Gautam, 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. Inspite 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. Arun Kumar, learned counsel for the petitioner and Dr. Mritunjay Kumar Gautam, learned Additional Public Prosecutor for the State.

This is the second attempt by the petitioner for grant of pre-arrest bail in connection with Gaighat P.S. Case No. 224 of 2017 registered for the offences punishable under Sections 302 read with 34 of the Indian Penal Code.

His first application for grant of pre-arrest bail was earlier rejected by this Court vide order dated 20.02.2019 passed in Cr. Misc. No. 1073 of 2019.

There is no changed circumstance since the date of rejection of the first application filed by the petitioner under Section 438 of the Code of Criminal Procedure.

Considering the gravity of the offence and the serious nature of allegation that the petitioner actively participated in commission of murder of the wife of co-accused Gulab Singh, I see no reason to take a different view of the matter. The application is rejected once again.

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 Mr. Arun Kumar, learned counsel for the petitioner 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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