

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22638 of 2020

Arising Out of PS. Case No.-182 Year-2019 Thana- ISHAKCHAK District- Bhagalpur

MD. RINKU Son of Md. Kalim Resident of Mohalla- Bhikanpur, Tank Lane,
P.S.- Ishakchak, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Abhay Kumar NO.1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since
14.01.2020, in a case registered for the offence punishable under
Sections 392 of the IPC.



The prosecution case, as per the written report of Shubhashish Mandal, submitted to the Station House Officer, Ishakchak Police Station is to the effect that on 20.11.2019, the informant being the Manager of Bandhan Bank was returning by motorcycle when, on the way, three accused persons on a motorcycle came and intercepted the informant and on the point of pistol, robbed the group register, H.H.O. Machine and bag containing cash. The accused persons also resorted to fire. Subsequently, the local people conveyed the name of three accused persons including the petitioner, leading to registration of FIR. It is alleged that firing was made by co-accused, Shahrukh Khan.

Learned counsel for the petitioner submits that no recovery has been made from the possession of the petitioner and he has not been put on T.I. Parade. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, in which he is on bail. In the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the



petitioner has been named by the local people and he is named in the FIR.

Considering the fact that neither the petitioner has been put on T. I. Parade nor any recovery has been made from the possession of the petitioner, the period under custody, the investigation already being concluded and the trial is not likely to be concluded due to the pandemic, Covid-19, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Bhagalpur, in connection with Ishakchak P.S. Case No. 182 of 2019.

However, in view of the present pandemic COVID- 19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on



furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned CJM, Bhagalpur, in connection with Ishakchak P.S. Case No. 182 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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