

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23874 of 2020

Arising Out of PS. Case No.-155 Year-2019 Thana- FULKAHA District- Araria

RAKESH KUMAR YADAV S/o Dinesh Yadav Resident of Village-Anchara,
Ward No.05, P.S.-Fulkaha, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2020 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 week 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
05.10.2020, in a case registered for the offences punishable
under Sections 413 and 414/34 of the IPC and Sections 25(1-
B)a, 26 and 35 of the Arms Act.



The prosecution case, as per the self statement of Haresh Tiwari, A.S.I. of Police, Fulkaha Police Station, recorded on 04.10.2019 at about 3.10 P.M. is to the effect that on the same day at about 1 P.M., the informant received a confidential information that in the house of co-accused Shivratan Yadav @ Natta, some criminals are taking meal and are preparing for committing dacoity. Consequently, raid was laid, when three accused persons including the petitioner, who were trying to escape by a motorcycle, having without registration plate, were apprehended. From the possession of the petitioner, two live cartridges, one black coloured Pulsar motorcycle and a mobile phone were recovered.

Learned counsel for the petitioner submits that the petitioner has maliciously been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in three other cases, in which he is on bail. It is further submitted that co-accused Shivratan Yadav, whose house was raided, has been granted bail by a Co-ordinate bench of this Court, vide order dated 18.01.2020, passed in Cr. Misc. No. 2853 of 2020. Moreover, investigation has already been concluded and 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 apprehended from the spot and recovery has been made from his possession also.

Considering the nature of recovery, period under custody, investigation already being concluded, similarly situated co-accused being granted bail by a Co-ordinate bench of this Court 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 J.M., 1st Class, Araria, in connection with Fulkaha P.S. Case No. 155 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 J.M., 1st Class, Araria, in connection with Fulkaha P.S. Case No. 155 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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