

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22701 of 2020

Arising Out of PS. Case No.-292 Year-2020 Thana- SARAIYA District- Muzaffarpur

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AVINASH THAKUR @ ABHISHEK KUMAR BISHWAKARMA Son of Sri
Ram Ganesh Thakur Resident of Village - Pokhraiya, P.S.- Saraiya (Jaintpur
O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Adv.

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2020 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
11.05.2020, in a case registered for the offences punishable



under Sections 414, 467 and 471/34 of the IPC.

The prosecution case, as per the written report of Shashi Bhushan Kumar, S.I. of Police, Saraiya, submitted to the learned ACJM-I, West Muzaffarpur is to the effect that on 14.05.2020, during patrolling, a confidential information was received that the petitioner Avinash Thakur @ Avishek Kumar Vishwakarma has kept a stolen scorpio. Consequently, the house of the petitioner was raided and a vehicle with registration Smart card differing with the registration plate was seized.

Learned counsel for the petitioner submits that the petitioner was in fact, arrested on 11.05.2020 and when father of the petitioner made complaint to the S.P., Muzaffarpur, on 14.05.2020 and then the FIR was registered and no vehicle has been seized from the house of the petitioner. A statement has been made in paragraph no.4 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has 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 stolen vehicle has been recovered from the house of the petitioner.



Considering the fact that the investigation has already been concluded, period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, 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 ACJM-I, Muzaffarpur, West, in connection with Saraiya P.S. Case No. 292 of 2020.

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
ACJM-I, Muzaffarpur, West, in connection with Saraiya P.S.
Case No. 292 of 2020.

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)

Amrendra/-

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