

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22650 of 2020

Arising Out of PS. Case No.-151 Year-2020 Thana- GORAUL District- Vaishali

SUBODH KUMAR S/o Premlal Rai Resident of Village- Baksama @
Baksawan, P.S.- Goraul (Kathara O.P.), Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

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

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
02.05.2020, in a case registered for the offences punishable
under Sections 414/34 of the IPC.



The prosecution case, as per the written report of S.I. of Police Shiv Kumar Sing, submitted to the Station House Officer, Katahara O.P. Police Station is to the effect that on 01.05.2020, during vehicle check, two persons travelling on a motorcycle were intercepted, who disclosed their names as Subodh Kumar, the petitioner and Manoj Kumar, when they failed to produce the relevant papers with regard to the vehicle in question. Subsequently, they admitted that alleged motorcycle is stolen one.

Learned counsel for the petitioner submits that the petitioner was having no idea that the motorcycle in question is a stolen one. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, 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 from the possession of the petitioner, stolen motorcycle was recovered.

Considering the fact that 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, Vaishali at Hajipur, in connection with Goraul P.S. Case No. 151 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, Vaishali at Hajipur, in connection with Goraul P.S. Case No. 151 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)

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