

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23398 of 2020

Arising Out of PS. Case No.-201 Year-2015 Thana- DHAMDAHA District- Purnia

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Ramesh Jha @ Ramesh Kumar Jha @ Chhotu Jha, Son of Bijendra Jha,
Resident of Village- Sukhiya, P.S.- Banmankhi, Distt- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2020 Filing through e-mail 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.

2. 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 e-mail. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through e-mail.

3. Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

4. Heard learned counsel for the petitioner and



learned Additional Public Prosecutor for the State.

5. By way of the present application preferred under Sections 439 and 440 of the Code of Criminal Procedure, the petitioner has renewed his prayer for bail.

His application for bail was earlier rejected by this Court vide order dated 04.02.2020 passed in Cr. Misc. No.43721 of 2019 with observation that the petitioner may renew his prayer for bail after the charges are framed.

7. It is submitted by the learned counsel for the petitioner that due to lack of instruction, it was not brought to the notice of the Court when the case was being argued on 04.02.2020 that charges have already been framed on 25.11.2019. It is further submitted that the petitioner has remained in custody for about seventeen months and there is no likelihood of the trial coming to any logical conclusion in near future as due to Covid-19 pandemic, the trials are not being conducted by the court.

8. Learned counsel appearing for the State has opposed the application for grant of bail to the petitioner.

9. Considering the facts and circumstances of the case, especially, the period of seventeen months undergone by the petitioner in custody, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned



4th Additional Sessions Judge, Purnia in connection with S.T. No.343 of 2019 arising out of Dhamdaha P.S. Case No.201 of 2019.

10. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered 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 e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior 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) Let a copy of the order be sent to Mr. Manoj Kumar Jha, learned counsel for the petitioner also on his e-mail.
- (v) Let steps be taken by the Senior 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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