

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23879 of 2020

Arising Out of PS. Case No.-247 Year-2013 Thana- DHAKA District- East Champaran

RAHUL SINGH Son of Late Ram Rekha Singh Resident of Village - Dumari
Baiju, P.S. - Patahi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

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

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 01.10.2018, in a case registered for the offences punishable under Section 387 of the IPC.

The prosecution case, as per the written report of Jai Kishan, submitted to the S.H.O., Dhaka Police Station is to the effect



that on 14.11.2013 at about 6.15 P.M., the informant received a call on his mobile phone from mobile no. 9931309749, whereby extortion of Rs. 30 lacs was demanded and life threatening was given to the informant, leading to registration of FIR against unknown persons. Subsequently, the name of the petitioner sprang up on the confession of co-accused Manoj Singh, in Phenhara P.S. Case No. 70 of 2015.

Learned counsel for the petitioner submits that the petitioner was in custody since 01.12.2016, but he was remanded in the present case on 01.10.2018. It is further submitted that co-accused Rajesh Singh has been granted bail by a Co-ordinate bench of this Court, vide order dated 22.04.2015 and in fact, no extortion amount was given to the petitioner, hence, at best offence under Section 385 I.P.C. is made out, which is bailable. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in eight cases, but in all the cases either he has been acquitted or has been granted bail. 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 name of



the petitioner sprang up on the confession of co-accused person.

Considering the fact that the investigation has already been concluded, similarly situated co-accused person has been granted bail 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 Judicial Magistrate, 1st Class, Sikarahana at Dhaka, East Champaran, in connection with Dhaka P.S. Case No. 247 of 2013.

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 Judicial Magistrate, 1st Class, Sikarahana at Dhaka, East Champaran, in connection with Dhaka P.S. Case No. 247 of 2013.

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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