

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23378 of 2020

Arising Out of PS. Case No.-94 Year-2015 Thana- NATHNAGAR District- Bhagalpur

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Shambhu Yadav Son of Late Shri Lal Yadav Resident of Village - Maheshpur
(Babarganj), P.S. - Mojahidpur (Babarganj), District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party : Mr. Ram Naresh Roy, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-10-2020 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. Inspite 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. The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 94 of 2015 registered under Sections 341, 307, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act. Later on, Section 302 of the Indian Penal Code was added.

6. Considering that the petitioner is alleged to have shot in the abdomen of the informant, who succumbed to the injuries and during trial, out of five witnesses, four have already been examined coupled with the fact that the petitioner is accused in seven other cases of serious nature, I am not inclined to grant him bail. His prayer for bail is rejected.

7. 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. Ranjan 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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