

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23384 of 2020

Arising Out of PS. Case No.-245 Year-2020 Thana- BHAGWAN BAZAR District- Saran

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Shankar Manjhi, Son of Kuber Manjhi, Resident of Village- Brahampur Nai Basti (Naya Tola), P.S.- Bhagwan Bazar, District- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party : Mr. Ashok Kumar, 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.

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.

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

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.



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 Bhagwan Bazar P.S. Case No. 245 of 2020 registered under Sections 420 and 414 of the Indian Penal Code.

It is contended by learned counsel for the petitioner that the alleged seizure of motorcycle was made on 24.05.2020 at 04:40 pm whereas the first information report was registered in the police station on 24.05.2020 at 05:10 pm, but the seizure list contained P.S. case number. It is further contended that from perusal of the seizure list it would also appear that nowhere it is stated that the alleged motorcycle was recovered from the possession of the petitioner rather column 3 of the seizure list simply discloses that the same was recovered from a place near Dharmnath Temple, Bhagwan Bazar, Saran.

Learned counsel for the State has opposed the application for grant of bail to the petitioner. He submitted that as per prosecution case, the petitioner was arrested with a motorcycle which was a stolen property.

Having heard the parties and perused the seizure list annexed to the present application, the petitioner, who is in custody since 25.05.2020 and a specific statement has been made in paragraph no.3 of the application that he has got no criminal



antecedent, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No.245 of 2020.

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 email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email 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. Dewendra Narayan Singh, learned counsel for the petitioner also on his email.
- (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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