

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23434 of 2020

Arising Out of PS. Case No.-44 Year-2018 Thana- Andhramath District- Madhubani

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Mukesh Kumar Yadav @ Mukesh Yadav, S/o Ramswaroop Yadav, R/o
Village-Rajaura Mahtaura, P.S. Andhramath, District-Madhubani.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-11-2020 Heard learned counsel for the petitioner and learned
counsel for the State via video conferencing.

2. By way of the instant application, the petitioner has renewed his prayer for grant of bail in connection with Andhramath P.S Case No. 44 of 2018 registered for the offences punishable under Section 302 of the Indian Penal Code and Section 25(1-B)(a), 26 and 27 of the Arms Act.

3. The prayer for bail of the petitioner was earlier rejected by this Court vide order dated 21.05.2019 passed in Cr. Misc. No. 16445 of 2019 with observation that in case, the trial of the petitioner is not concluded within nine months from the date of receipt of a copy of the order, the petitioner would be at liberty to renew his prayer for bail first before the court below



itself.

4. It appears from the record that since the trial did not conclude within the stipulated period granted by this Court, the petitioner moved once again before the trial court for grant of bail. The trial court considered his application and rejected the same vide order dated 20.03.2020 with an assurance that the trial would conclude within two months.

5. From perusal of the order dated 20.03.2020, it would appear that charges in the case were framed against the petitioner on 2.01.2019. Thereafter, summons, bailable warrants and non-bailable warrants were issued by the court below for appearance of the prosecution witnesses. However, no witness turned up before the court. Subsequently, dasti summon was issued on 04.12.2019 for appearance of prosecution witnesses, but that also did not yield any result.

6. It has been submitted by the learned counsel for the petitioner that the trial has not proceeded at all from the date of framing of charge due to non-appearance of witnesses and on account of situation prevailing due to COVID-19 Pandemic.

7. Learned counsel for the State has opposed the application for grant of bail to the petitioner. He contended that in course of investigation, name of the petitioner had transpired



in the confessional statement of co-accused. He had actively participated in commission of the crime.

8. Considering the facts and circumstances of the case, the submissions made above and the observation made by this Court in its previous order, the petitioner 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 learned Additional Session Judge, Jhanjharpur, Madhubani in connection with Andhramath P.S Case No. 44 of 2018.

9. 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 Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. 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 steps be taken by the Sr. Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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