

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42769 of 2019**

**In
CRIMINAL MISCELLANEOUS No.56981 of 2018**

Arising Out of PS. Case No.-183 Year-2018 Thana- DARIYAPUR District- Saran

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Sonu Singh, Son of Ram Palsingh Resident of Village - Paheleja, P.S.-
Sonepur, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party : Mr. Syed Mojibur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER**

2 04-09-2020 Heard learned counsel for the petitioner and learned
counsel for the State via video conferencing.

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for modification of the order dated 06.10.2018 passed in Cr. Misc. No.56981 of 2018 whereby the petitioner along with others was allowed pre-arrest bail in connection with Dariyapur P.S. Case No.183 of 2018.

Learned counsel for the petitioner submitted that by the aforesaid order dated 06.10.2018, this Court had observed that in the event of arrest or surrender within six weeks, the petitioners shall be released on bail on furnishing bond and sureties. He contended that six other co-petitioners surrendered



and furnished bail bond and sureties within time and they are enjoying the privilege of bail. However, the petitioner could not furnish bond and sureties as per the direction of the Court within time. He submitted that the petitioner is working in a Tea Estate at Assam and was kidnapped by ULFA extremist and that was the reason he could not appear before the Court within the stipulated period of six weeks.

On the other hand, learned counsel appearing for the State submitted that the petitioner has not annexed any document in support of the fact that he is employed in Tea Estate at Assam. He has also not disclosed the name of the place where Tea Estate was situated or name of his employer. The place where the Tea Estate is situated has also not been disclosed in the application. He has also not brought on record any first information report to suggest that he was ever kidnapped by any extremist. He contended that the long delay caused by the petitioner in appearing before the court has caused delay in disposal of the criminal trial.

Having regard to the facts and circumstances of the case, I see no ground for modification in the order dated 06.10.2018 passed in Cr. Misc. No.56981 of 2018. The application is dismissed and shall not be prejudiced in any



manner by any of the observations made in the present order.

However, in case the petitioner surrenders and seeks bail, while considering his application for bail, the court below shall keep in mind that on merits this Court had already granted him pre-arrest bail.

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 Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email 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 a copy of the order be sent to Mr. Mukesh Kumar Singh, learned counsel for the petitioner also on his



email.

- (v) Let steps be taken by the Sr. 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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