

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35837 of 2021

In
CRIMINAL MISCELLANEOUS No.39938 of 2020

Arising Out of PS. Case No.-143 Year-2020 Thana- NAUBATPUR District- Patna

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ANJANI KUMAR S/O RANGNATH SINGH R/o village- Narayanpur, P.S.-
Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-08-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through virtual Court

proceedings.

Learned counsel for the petitioner undertakes to

remove the defects within four weeks of resumption of normal

court proceeding. In the eventuality of non-removal of defects

within undertaken period, the office will place the matter before

the Bench.

This modification application has been preferred to

modify the order dated 26.03.2021 passed in Cr. Misc.

No.39938 of 2020.

Learned counsel for the petitioner submits that vide

order dated 26.03.2021 passed in Cr. Misc. No.39938 of 2020



the petitioner was directed to be released on bail after framing of charge. He further submits that due to spike of COVID-19, the physical hearing in Patna District Court has been stopped and thus the charge cannot be framed in absence of accused. He has also annexed the order of the learned District Judge, Patna in which apart from the other facts, it is stated that all Jail Superintendent of Patna District are directed not to produce under trial prisoner physically before the Court rather they will produce virtually.

In that view of the matter, the last paragraph of the order dated 26.03.2021 passed in Cr. Misc. No.39938 of 2020 is modified to that extent that the petitioner will be released on bail on furnishing bail of Rs.20,000.00 (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Naubatpur P.S. Case No.143 of 2020, subject to the following conditions:

- (1) that one of the bailors will be government servant.
- (2) that within one month of start of the physical Court the petitioner will present himself before the Court for framing of charge.
- (3) that the bailor shall also state on affidavit that he



will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(4) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

Accordingly, this modification application is allowed and the order dated 26.03.2021 passed in Cr. Misc. No.39938 of 2020 is modified to the extent as indicated herein above.

(Anjani Kumar Sharan, J)

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