

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45693 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- PHULWARIA District- Begusarai

Vinit Kumar @ Binit Kumar S/O Vijay Kumar R/O Village- Garhara, P.S.-
Barauni, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 25-04-2022 Perused the show cause filed on behalf of deponent.

In paragraph nos. 5 and 6, the deponent has pointed out that in Zero Mile P.S. Case No. 300 of 2020 and Lohiya Nagar P.S. Case No. 483 of 2020 the petitioner was remanded on 20.02.2021 and 02.03.2021 respectively.

Learned counsel for the petitioner submits that although this case was filed after the petitioner was taken on remand in those cases but in absence of instructions to the pairvikar during those period two criminal antecedents of the petitioner were not mentioned. In this connection, learned counsel has submitted that the remands were made through video conferencing during COVID-19 situation when the courts were working through video conferencing and during those period the pairvikar of the petitioner were not allowed to meet the petitioner who was inside the jail and he was also unable to



visit the court premises because of the Standard Operating Procedures (SOP) applicable during the pandemic period.

It is, thus, submitted that the show cause be accepted.

Mr. Akhileshwar Dayal, learned A.P.P. for the State does not dispute that the period during which the petitioner was taken on remand through video conferencing were the COVID-19 period when the courts were working in limited manner and the SOP was applicable.

In the aforesaid view of the matter, this Court accepts the show cause filed on behalf of the deponent regarding the two criminal antecedents.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Phulwaria P.S. Case No. 86 of 2020 registered for the offences punishable under Sections 363, 302, 201/34 of the Indian Penal Code. He is in custody since 04.01.2021. The petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per the allegations, the informant received a call from one mobile number which belonged to this petitioner. It is alleged that one Raja who is the co-accused in this case and is still absconding



had made a call from the mobile of this petitioner and at his request the vehicle along with driver was provided by the petitioner, later on the vehicle was taken away after killing the driver. It is his submission that save and except the fact that the mobile phone of the petitioner is said to have been used for booking of the vehicle, there is no other material to connect the petitioner in the present case.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that not only the mobile phone of this petitioner has been used for making a call to the informant but later on the petitioner has also accepted his complicity in the present case and have narrated the entire occurrence. It is his further submission that the petitioner has got criminal antecedents inasmuch as in two other cases he has been made accused.

Having regard to the materials available on the record from which this Court has noticed that it was the mobile phone of this petitioner from which call was made to the informant and then the hired vehicle was taken away and the driver has been killed in course of snatching away the vehicle as also that this petitioner is said to have made confessional statement narrating the entire occurrence and his complicity has been found in the



present case, this Court is not inclined to release the petitioner on bail.

The prayer for regular bail of the petitioner is, thus, refused.

The co-accused Raja is still absconding and if at this stage, the petitioner is released on bail the possibility of conclusion of trial at an early date would be defeated.

Let the trial court proceed with the trial and conclude the same preferably within a period of 9 months from the date of receipt/production of this order. If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

