

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51202 of 2021**

Arising Out of PS. Case No.-40 Year-2013 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Sharukh Khan @ Shahrukh Khan @ Shahru Khan Son of Javed Khan @
Jauad Khan Resident of Village- Ratanpura, P.S.- Sherghati, District- Gaya.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Chandra, Adv.

For the Opposite Party : Mr. Satya Nand Shukla, APP

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

3 06-07-2022 In the present matter, an explanation was called for from the learned Additional Sessions Judge-III, Gaya as to why the application for bail, which was filed on 01.06.2021 by the petitioner, has been kept pending till date on the submission of the petitioner that after receipt of a copy of the order dated 20.01.2021 passed in Cr. Misc. No. 31894 of 2020 the petitioner had filed an application for bail on 01.06.2021 before the Trial Court but the said application has not been disposed of.

An explanation in this regard has been received from the learned Additional Sessions Judge-III, Gaya wherein it has categorically been stated that no bail petition dated 01.06.2021 had ever been filed on behalf of the accused petitioner. The order sheet of the relevant period has also been sent together with the explanation submitted by the learned Additional



Sessions Judge-III, Gaya, which would also reflect that no such filing was ever made.

Mr. Anil Chandra, learned counsel for the petitioner submitted that due to Covid-19 Pandemic, during the relevant time filing before the court was permitted only through e-mail. Though the filing was made by the petitioner through e-mail, there is a possibility that the Bench clerk might not have downloaded the mail and placed before the concerned court. He submitted that since physical filing has already resumed and the courts in physical mode have already started functioning, the petitioner would seek leave to withdraw the present application with liberty to file a fresh bail application before the court below first.

Considering the submissions advanced on behalf of the petitioner, leave is granted. The application is disposed of. In case, a fresh application for grant of bail is filed before the court below, it shall take into consideration the observations made by this Court vide order dated 20.01.2021 passed in Cr. Misc. No. 31894 of 2020 while disposing of the bail of application.

(Ashwani Kumar Singh, J)

Pradeep-Pooja/-

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