

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3500 of 2020

Arising Out of PS. Case No.-126 Year-2019 Thana- HARSIDHI District- East Champaran

GANESH SAHNI S/O Langtu Sahni R/O Vill - Dhawahi, P.S. Harsidhi,
District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 22-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court proceeding.

The petitioner, being the husband of the victim, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 304B, 201/34 of the I.P.C and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Shanti Devi submitted before the S.H.O., Harsidhi Police Station is to the effect that the daughter of the informant, Soni Devi was married with the petitioner about five years prior to lodging of the present case. Though the matrimonial harmony remained



cordial for some time, but one year prior to lodging of the present case, the in-laws' family members, including the petitioner started inflicting torture upon the daughter of the informant for non-fulfillment of further dowry demand. On 15.04.2019, the informant came to know that his daughter has been killed.

It is submitted by learned counsel for the petitioner that the the accusation of demand of dowry after five years of marriage appears to be unreasonable and unbelievable and in course of investigation, the independent witnesses have suggested that while the petitioner was working in the agricultural field, the victim came and had some hot discussions with the petitioner. Thereafter, the victim went inside the house and committed suicide. The dead body of the victim was disposed of in presence of the informant's side. The petitioner is languishing in custody since 19.06.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the thrust of accusation is against the petitioner, being the husband of the victim.

Considering the fact that the case diary suggests that



the victim had some hot exchange of words with the petitioner, and thereafter, she went inside the house and committed suicide, the investigation has already been concluded and in view of the fact that the trial is not likely to be concluded in the background of the fact that the Court proceeding is not conducted in physical mode due to the present pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned C.J.M., Motihari, East Champaran, in connection with Harsidhi P.S. Case No. 126 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two



sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran, in connection with Harsidhi P.S. Case No. 126 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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