

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7736 of 2020

Arising Out of PS. Case No.-93 Year-2018 Thana- SARAI District- Vaishali

Indrajeet Kumar, Son of Yugal Kishore Sharma, Resident of Village -
Rampur, Ratanakar, P.S.- sarai, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Arjun Prasad, learned counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of regular bail in connection with a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Sujeet Kumar recorded by S.I., K.K. Singh, Agamkuan P.S. on 26.04.2018 at 8.30 A.M. at Appolo Burn Hospital, Kankarbagh, is to the effect that the sister of the informant, Nikki Kumari was



married with the petitioner in 2008 and on 25.04.2018, all the accused persons including the petitioner tortured the daughter of the informant for non-fulfillment of further dowry demand of a car and put her on fire. Ultimately, the sister of the informant died in Appolo Burn Hosptial.

It is submitted by learned counsel for the petitioner that as per own admission of the informant, the marriage was performed in 2008 and the victim died on 25.04.2018 hence, the case does not come within the purview of Section 304B of the Indian Penal Code. On conclusion of investigation, charge sheet has been submitted under Section 306 of the Indian Penal Code. The petitioner is languishing in custody since 18.11.2019 and 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.

Mr. J.N. Thakur, learned APP appearing for the State submits that since the petitioner is the husband of the victim, hence, thrust of accusation is against him, the victim has died in unnatural death.

Considering the fact that on conclusion of the investigation, charge sheet has been submitted under Section 306 of the Indian Penal Code and statement being 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 Additional Chief Judicial Magistrate-XIII -cum- Sub-Judge-XIV, Vaishali, Hajipur in connection with Sarai P.S. Case No. 93 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 Additional Chief Judicial Magistrate-XIII -cum- Sub-Judge-XIV, Vaishali, Hajipur in connection with Sarai P.S. Case No. 93 of 2018.



The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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