

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5879 of 2020

Arising Out of PS. Case No.-195 Year-2019 Thana- BHORE District- Gopalganj

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RAUSHAN RAI @ ROSHAN RAI Son of Brijendra Rai @ Chhedi Rai R/o
Village- Chhathiaw (Badaka), P.S.- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Ranjeet Kumar Pandey
For the Opposite Party/s : Mr. Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned Sr. counsel for the petitioner undertakes to
remove the defect(s) within a period of four week of resumption
of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard Mr. Yogesh Chandra Verma, learned Sr.
Counsel for the petitioner and Mr. J.N. Thakur, learned APP for
the State.



The petitioner, being the husband of the victim is languishing in custody since 23.10.2019, in a case registered for the offences punishable under Sections 304B and 201/34 of the IPC.

The prosecution case, as per the written report of Dharamdeo Rai, submitted to the S.H.O., Bhore Police Station is to the effect that the informant married his daughter, Shikha with the petitioner about two years prior to the lodging of the present case, but immediately after the marriage, there was further dowry demand of a car and Rs. 5 lacs and due to non-fulfillment of the same, torture was inflicted upon the daughter of the informant. On 07.06.2019, the informant's daughter was killed by all the in-laws people including the petitioner and her dead body has been disposed of, leading to registration of the present case.

Learned counsel for the petitioner submits that no doubt the petitioner is the husband of the victim, but the accusation of demand of dowry after two years of marriage appears to be unreasonable. The accusation is omnibus and general against all the accused persons. Admittedly, the informant is not the eye-witness to the alleged occurrence. The petitioner and the victim were blessed with two children which



suggests that the matrimonial relationship was cordial between them. The victim died due to electric shock and after giving information to the informant, who participated in the cremation, the dead body was disposed of. The cause of death has not been ascertained during investigation. The investigation has already been concluded, though mechanically without collecting the evidence, chargesheet has been submitted. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. In the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

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

From perusal of the case diary, it appears that only two witnesses, namely Barister Rai and Baijnath Rai have been examined, who supported the prosecution case, but they are not the witness either to the death or disposal of the dead body of the victim. In the entire case diary, no statement of any accused persons, even the petitioner has been recorded.

Considering the fact that the investigation has



already been concluded, period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect 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 CJM, Gopalganj, in connection with Bhore P.S. Case No. 195 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 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 learned



learned CJM, Gopalganj, in connection with Bhore P.S. Case No. 195 of 2019.

The learned Court below will 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.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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