

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9091 of 2020

Arising Out of PS. Case No.-355 Year-2019 Thana- ARA NAWADA District- Bhojpur

DEEPAK KUMAR Son of Binod Sah Resident of Village- Karmantola, P.S.-
Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Archana Sinha

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the victim is
languishing in custody since 21.09.2019, in a case registered for
the offences punishable under Sections 304B/34 of the IPC.

The prosecution case, as per the fardbeyan of
Sunita Devi, recorded by S.I. Amit Kumar on 16.05.2019 at
Emergency Ward of P.M.C.H., is to the effect that the informant
received an information that her daughter Shruti Devi, received
burn injuries while cooking. Thereafter she was taken to Sadar
Hospital Ara and from there, she was referred to P.M.C.H.,
where she succumbed to the injuries on 16.05.2019.
Subsequently, the informant raised suspicion that the in-laws'



family of the victim including the petitioner killed the victim by causing burn injuries.

Learned counsel for the petitioner submits that bona fide of the petitioner gets reflected from the fact that the victim received accidental burn injury and she was taken to hospital when the informant was informed about the incident and she also went to the hospital and in her presence, the victim died during treatment. Admittedly, date of marriage has not been mentioned in the FIR and the case was registered under Section 304B of the IPC, but subsequently, on conclusion of investigation, chargesheet was submitted under Sections 304B and 302 of the IPC. Moreover, 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 the thrust of accusation is against the petitioner being the husband of the victim.

Considering the fact that the victim was given medical assistance immediately, period under custody and the fact that 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 4th Additional Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Nawada P.S. Case No. 355 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 4th Additional Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Nawada P.S. Case No. 355 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/-

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

