

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6448 of 2020

Arising Out of PS. Case No.-430 Year-2019 Thana- PHULPARAS District- Madhubani

Fule Pandit @ Phuleshwar Pandit S/O Late Bauku Pandit R/o- Village -
Phulparas, P.S. - Phulparas, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 28-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner as well as learned APP for the State.

The petitioner seeks bail in Phulparas P.S. Case no. 430 of 2019 instituted for the offence under Section 304B/34 of the IPC.

The First Information report has been lodged by mother of the deceased, namely, Gauri Kumari. The prosecution



case is that she has been done to death by her in-laws. The same gives rise to the prosecution under Section 304 B of the Indian Penal Code.

It is submitted by the petitioner's counsel that being father-in-law of the victim, the petitioner has been implicated based on his relationship. There is no specific allegation against the petitioner. The prosecution case in the First Information report as well as investigation reveals that the marriage of Gauri Kumari was actually a love marriage and, in the circumstances, the allegations regarding demand of dowry is far-fetched. The petitioner is aged about 60 years and he is in custody since 16.10.2019.

The learned counsel for the State opposed the prayer for bail by submitting that informant has reiterated the allegations in the statements recorded during the course of investigation.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate,-II,Jhanjharpur,**



Dist. Madhubani, in connection with **Phulparas P. S. Case No. 430 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned **Additional Chief Judicial Magistrate**,-



II,Jhanjharpur, Dist. Madhubani and the competent authority
of the State in terms of clause (4) i of Notice II published in the
Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

shyambihari/-

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

