

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10051 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- PUNAURA District- Sitamarhi

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ALOK KUMAR SINGH @ BAMBAM SINGH @ BABAN SINGH Son of
Laliteshwar Singh Resident of Village - Rampur Parori, Paschmi, P.S.-
Punaura, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 Heard learned counsel for the petitioner and the

State.

The matter has been taken up through virtual

Court proceeding.

The petitioner is languishing in jail since 24.3.2019 in a
case initially registered for the offences punishable under
Sections 304B/34 of the IPC, However, it appears that on
completion of investigation, chargesheet has been submitted
under Sections 302/34 of the IPC.

The prosecution case, as per the written report of Rama
Shankar Singh submitted to the SHO, Punaura Police
Station, is to the effect that the informant got his sister Annu
Annu Kumari married with the petitioner in 2004. After few



years of marriage, there was further demand of dowry and on 19.3.2019, the informant was informed by some co-villager of the petitioner that the informant's sister has been throttled to death by the petitioner.

It is submitted by learned counsel for the petitioner that as admittedly, the marriage was performed in 2004 and the victim died in 2019, the case does not come within the purview of Section 304B of the IPC. However, the postmortem report suggests the cause of death due to asphyxia caused by hanging. During investigation, the witnesses have suggested that the victim committed suicide. It is further submitted that three witnesses have been examined, out of whom, two are the sons of the victim and the other is the father and they have not supported the prosecution case. There is no eye witness to the occurrence. The investigation has already been concluded.

Learned APP submits that the petitioner is the husband of the victim who died due to asphyxia caused by hanging.

Considering the fact that neither the FIR nor the impugned order suggest that there is any eye witness to the occurrence, the learned Sessions Judge has recorded that three witnesses being the sons and father of the victim have



not supported the prosecution case and in view of the present pandemic, there is no likelihood of the trial being concluded in near future, 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 District and Sessions Judge – 5, Sitamarhi in connection with Punaura P.S Case No. 50 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 of the like amount each to the satisfaction of the learned Additional District and Sessions Judge – 5, Sitamarhi in connection with Punaura P.S Case No. 50 of 2019 including one surety given at the time of provisional



bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the lock down is not over in three months.

(Dinesh Kumar Singh, J)

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