

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7075 of 2020

Arising Out of PS. Case No.-102 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

RAVI SHANKAR MISHRA Son of Uma Shankar Mishra Resident of Village
- Panditpur, P.S.- Buxar Muffasil, Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 28-09-2020 The present case was heard at length on
25.09.2020 and it has been listed today for orders.

The petitioner seeks regular bail in connection with Sessions Trial No. 60 of 2019, arising out of Buxar (Mufassil) P.S. Case No. 102 of 2018, registered for the offence punishable under Sections 498A, 304B and 34 of the Indian Penal Code in which the charge was framed under Sections 302 and 304B/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein, who happens to be the husband of the deceased victim lady, having burnt the daughter of the informant on account of non-fulfillment of the demand for



dowry.

The learned counsel for the petitioner has submitted that though it is true that the earlier bail petition filed by the petitioner before this Court was permitted to be withdrawn by this Hon'ble Court vide order dated 10.01.2019, however, liberty was granted to the petitioner to renew the prayer for bail in case any new material in favour of the petitioner is brought on record. In this context, it is submitted that earlier, a slipshod investigation was conducted by the police and in order to adhere to the deadline of 90 days, a charge-sheet dated 17.08.2018 was filed in haste in order to avoid default bail to the petitioner, who is languishing in custody since 29.05.2018. It is further submitted that now, the police has filed a supplementary charge-sheet wherein the dying declaration of the deceased victim lady has been brought on record in form of a CD, containing the statement of the victim dated 03.04.2018 recorded by the police personnel in the local government hospital, Buxar in presence of the Doctors from



which it is apparent that the deceased victim lady got accidentally electrocuted by a stand fan, whereafter she was rushed to the local government hospital, however, subsequently, she died. In such view of the matter, the police had given an application before the learned trial court on 24.07.2019 for further investigation and in fact, the further investigation was also conducted and a final form dated 3.10.2019 has been filed by the police, finding the case to be untrue and the said final form has also been accepted by the learned trial court on 23.10.2019. In this connection, the learned counsel for the petitioner has referred to various judgments, which are being enumerated hereinbelow:-

- (i) (2003) 11 SCC 486 (P. Chhaganlal Daga vs. M. Sanjay Shaw)
- (ii) (2009) 6 SCC 346 (Rama Choudhary vs. State of Bihar)
- (iii) (2018) SCC Online Del 10844 (Ajay Singh Chautala vs. CBI)
- (iv) (2019) SCC Online Ker 3961 (Mariamma John vs Dy. S.P.)
- (v) (1987)3 SCC 367 (Pushpadevi M. Jatia vs.



M L Wadhavan)

(vi) 1998 (3) PLJR 378 (FB) (Bijay Kumar
Sahay vs State of Bihar)

Per contra, the learned APP has vehemently opposed the prayer for bail and has relied upon a judgment rendered by the Hon'ble Apex Court in the case of ***Vinubhai Haribhai Malaviya & Ors. vs. The State of Gujarat & Anr.***, reported in 2019 SCC Online SC 1346, to submit that the learned court below can order further investigation only till charges are framed, however, in the present case though charge was framed on 20.05.2019, the further investigation has been held thereafter, hence, the final form dated 03.10.2019 has got no value in the eyes of law.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the subsequent evidence, which has come on record alongwith the final form submitted by the police dated 03.10.2019, which in fact has also been accepted by the learned trial court on 23.10.2019, this Court



finds that it would be in the interest of justice to grant bail to the petitioner herein, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI, Buxar in connection with Sessions Trial No. 60 of 2019, arising out of Buxar (Mufassil) P.S. Case No. 102 of 2018.

It is further directed that the petitioner shall appear on each and every date so fixed by the learned trial court and in the event of any default in appearing before the learned court below, on the date fixed in the ongoing trial, the present privilege of bail shall stand revoked automatically and the petitioner would be entitled to be taken into custody forthwith.

(Mohit Kumar Shah, J)

Ajay/-

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

