

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7300 of 2020

Arising Out of PS. Case No.-66 Year-2018 Thana- BANDHUWA KURAWA District- Banka

NAWAL KISHORE YADAV, S/o Bangali Yadav, Resident of Village-
Hanumatta, P.S.- Bandhuwa Kurawa, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirbhay Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 31-08-2020 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 25.06.2019, in a case registered for
the offences punishable under Sections 302 and 201/34 of the
IPC.

The prosecution case, as per the written report of
Raghu Yadav, submitted to the S.H.O., Badhua Kurawa P.S. is to
the effect that the informant got his daughter married with the
petitioner about 16 years prior to the lodging of the present case.
Subsequently, they were blessed with three children, but the
petitioner developed some intimacy with one Binju Devi, which



was protested by the daughter of the informant, as a result, they used to quarrel with each other. On 14.08.2018, the informant came to know that dead body of his daughter has been found in the well of Amir Mahto, whereupon, the informant along with other family members reached there and took the dead body out from the well. It is claimed by the informant that his daughter was killed by all the accused persons including the petitioner and her dead body was thrown in the well.

It is submitted by learned counsel for the petitioner that admittedly the informant is not the eye-witness to the alleged occurrence. In fact, the daughter of the informant accidentally fell into the well. The postmortem report does not suggest any external or internal injury and the cause of death has not been ascertained. The F.S.L. report is still awaited. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that the investigation has already been concluded and in the present prevalent situation, created due to Covid-19, since the court proceeding is not properly functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP submits that the thrust of accusation



is against the petitioner being the husband of the victim and he is named in the FIR.

Considering the fact that the case diary does not suggest any eye-witness to the alleged occurrence, the accusation of killing the victim and throwing the dead body into a well is not being corroborated by the postmortem report and in the present prevalent situation, created due to Covid-19, there is no likelihood of 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 CJM, Banka, in connection with Bandhuwa Kurawa P.S. Case No. 66 of 2018.

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 CJM, Banka, in connection with Bandhuwa Kurawa P.S. Case No. 66 of 2018.

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.

The learned Court below will be at further liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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