

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7796 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- GOPALPUR District- West Champaran

PAPPU RAM, S/o Paras Ram, R/o village- Shyampur Tola, Parsauna, P.S.-
Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 01.09.2019 in a case registered for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code.

The prosecution case as per the written report of Rita Devi submitted before the S.H.O., Gopalpur Police Station is to the effect that the daughter of the informant Indu Devi was married with the petitioner in the year 2010. Subsequently, they were blessed with four children, but there was subsequent demand of a motorcycle and due to non-fulfillment of the same, the informant's daughter was killed on 29.08.2019 by the petitioner and other co-accused persons.

It is submitted by learned counsel for the petitioner



that the accusation of demand of dowry after 9 years of marriage appears to be absolutely unreasonable. In fact, the victim died due to some ailments and the doctor during course of investigation has deposed to the effect. The investigation has already been concluded and admittedly, there is no eye witness to the alleged occurrence. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that admittedly, the postmortem was not conducted, but the thrust of accusation is against the petitioner, being the husband of the victim.

Considering the fact that the victim died after nine years of marriage, the case of demand of dowry does not suggest any direct evidence against the petitioner and the investigation has already been concluded coupled with statement made in paragraph no.3 of the petition 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 CJM, Bettiah, West Champaran, in connection with Gopalpur P.S. Case No.138 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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with learned Gopalpur P.S. Case No.138 of 2019.

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

(Dinesh Kumar Singh, J)

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