

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19723 of 2020

Arising Out of PS. Case No.-1202 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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VINEET KUMAR @ VINIT KUMAR, Son of Ram Ballav Singh @ Babban
Sharma @ Ram Ballabh Sharma, Resident of Village- Gudar, P.S.- Guraru,
District- Gaya, presently residing at 253, A.P. Colony, P.S.- Rampur, District-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2020 The Court proceeding has been conducted through
virtual mode.

Since the physical Court is not functional due to the
present pandemic, Covid-19, the matter has been listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects within a period of three weeks on
resumption of physical court proceeding.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
Bench.

Heard learned counsel for the petitioner and learned



APP for the State.

The petitioner, being the husband of the victim, is apprehending arrest in a complaint-cum-protest petition wherein cognizance has been taken for the offence punishable under Sections 304B/34 of the Indian Penal Code. Though initially Patna Mahila P.S. Case no. 16 of 2014 was registered, but on conclusion of investigation, the petitioner was not sent up for trial and the final form was accepted, but thereafter, on protest-cum-complaint petition, the cognizance has been taken under Section 304B of the Indian Penal Code by order dated 12.04.2019.

The prosecution case as per the written report of Sunaina Devi is to the effect that the daughter of the complainant, namely, Archana Kumari was married with the petitioner on 11.03.2011, but subsequent to the marriage, torture was inflicted for non-fulfillment of further dowry demand of a Scorpio vehicle or cash amount of Rs.6,00,000/-. It is alleged that on 20.03.2014, co-accused, Jaikant @ Putus informed the informant by phone that her daughter has been burnt and she is undergoing treatment at Apollo Hospital, Patna. After having received such information, when the informant along with his two sons, namely, Yashrudra Raj and



Dhirendra Kumar went to Apolo Hospital, Patna, he found her daughter in burnt condition. On being asked, the daughter of the informant conveyed her that the burn injury has been caused by her husband, father-in-law, mother-in-law, sisters-in-law and the husbands of the sisters-in-law.

It is submitted by learned counsel for the petitioner that the petitioner is an Air Force personnel and on the alleged date of occurrence, he was posted outside. In fact, the victim received accidental burn injury, leading to registration of UD Case No. 06 of 2014 on 24.06.2014 on the basis of fardbeyan of the husband of the victim recorded on 12.04.2014 at Emergency Ward P.M.C.H., Patna. It is further submitted that the complainant claimed to have the apprehension of such incident at least on 10th of March, 2014, but the present complaint was filed on 09.02.2015. Moreover, on conclusion of investigation, the petitioner was not sent up for trial and the final form was submitted vide final Final Form No. 21 of 2016 on 31.03.2016, as contained in Annexure-4 and the same was accepted, but on protest petition, the cognizance has been taken against the petitioner. There is no explanation for delay lodging of the case. 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 the thrust of accusation is against the petitioner, being the husband of the victim.

Considering the delayed lodging of the case and the fact that on conclusion of investigation, the petitioner was not sent up for trial and the final form was accepted and on protest-cum-complaint petition, cognizance has been taken, moreover, the material on record suggest that the victim was provided medical assistance by the petitioner and other family members 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 anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below from today, on furnishing one surety to the satisfaction of the learned SDJM, Gaya, in connection with Complaint Case No.1202 of 2017 (arising out of Mahila P.S. Case No. 16 of 2014), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 SDJM, Gaya, in connection with Complaint Case No.1202 of 2017 (arising out of Mahila P.S. Case No. 16 of 2014).

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

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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