

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14340 of 2020

Arising Out of PS. Case No.-65 Year-2017 Thana- DHANKUND District- Banka

MD. NAYEEM Son of Shah Najam Resident of Village - Athpahara, P.S.-
Dhankund, Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the
State.

The petitioner has renewed his prayer for bail in a
case registered for the offences punishable under Sections
302/34 of the IPC.

The prosecution case as per the fardbeyan of Md.
Hamid recorded by Praveen Kumar Jha, S.H.O., Dhankund P.S.
on 11.10.2017 at 08.30 P.M., is to the effect that the daughter of
the informant, Bibi Halima performed love marriage with the
petitioner in the year 2016. Subsequently, the daughter of the
informant found that the petitioner has illicit relationship with
his sister-in-law (bhabhi). On protest being made, the daughter



of the informant was assaulted by in-law family members including the petitioner. It is further alleged that all the in-law's family members including the petitioner killed the daughter of the informant.

It is submitted by learned counsel for the petitioner that petitioner performed love marriage with the victim, hence, there is no question of inflicting torture upon the victim. There is no eye witness to the said occurrence and it appears that the victim herself committed suicide. 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 petitioner is languishing in custody since 14.10.2017. The earlier prayer for bail of the petitioner was rejected vide order dated 25.01.2019, passed in Cr. Misc. No. 76356 of 2018 with a direction to the learned trial court to expedite the trial and with a liberty to the petitioner to renew prayer for bail if the trial is not concluded within a period of one year. The report of the learned A.D.J.-I, Banka dated 24.03.2020 reflects that out of six witnesses, five witnesses have already been examined and the trial is likely to be concluded within a period of three months, but in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode,



there is no likelihood of the trial being concluded in near future.

Learned APP for the State submits that within one year of marriage, the victim was killed. Thrust of accusation is against the petitioner, being the husband of the victim.

Considering the period under custody, liberty given to the petitioner while rejecting earlier prayer for renewal of bail and in the present situation, 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 Additional Sessions Judge-I, Banka in S. T. No. 48 of 2018, arising out of Dhankund P.S. Case No. 65 of 2017.

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 Additional Sessions Judge-I, Banka in S. T. No. 48 of 2018, arising out of Dhankund P.S. Case No. 65 of 2017.

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

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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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