

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18611 of 2020

Arising Out of PS. Case No.-14 Year-2018 Thana- BARHARA KOTHI District- Purnia

PANKAJ PASWAN @ PANKAJ KUMAR PASWAN S/o Narain Paswan R/o
village- Jai Nagar Shiswa Tol, P.S.- Barhara, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2020 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, has renewed the prayer for bail in a case registered for the offences punishable under Sections 304B/34 of the IPC.

The prosecution case, as per the written report of Most. Mako Devi, dated 17.01.2018, submitted to the Station House Officer, Barhara Police Station, is to the effect that the informant's daughter, Rimjhim Devi was married with the petitioner about two years prior to her death, but subsequent to the marriage, due to non-fulfillment of the further dowry demand of motorcycle, the victim was being abused and assaulted by the petitioner. On 16.01.2018, the daughter of the



informant was poisoned to death, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that postmortem report does not suggest any injury, which completely negates the allegation of assault, though, the viscera report suggests the presence of Aluminum Phosphate, being a pesticide, which is used for protecting the grains. The postmortem report also does not suggest any resisting injury to confirm the accusation of administering poison forcefully. The accusation of demand of dowry and torture after two years of marriage appears to be unreasonable. The petitioner is languishing in custody since 03.02.2018. The earlier prayer for bail of the petitioner was rejected vide order dated 23.01.2019, passed in Cr. Misc. No. 61824 of 2018 with a liberty to the petitioner to renew prayer for bail if the trial is not concluded within a period of one year, but till date only charge has been framed on 14.02.2020, but no witness has been examined and in the present situation, created due to pandemic, Covic-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 submits that the victim died within two years of marriage and the thrust of accusation is against the



petitioner being the husband of the victim. However, he does not controvert this fact that no witness has been examined.

Considering the period under custody and the liberty given to the petitioner while rejecting earlier prayer for bail to renew prayer for bail if the trial is not concluded within a period of one year, it is not in dispute that no witness has been examined, the postmortem report reflects no injury particularly resisting injury 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 ADJ-VII, Purnea in connection with S. T. No. 54 of 2020, arising out of Barhara P.S. Case No. 14 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 ADJ-VII, Purnea in connection with S. T. No. 54 of 2020, arising out of Barhara P.S. Case No. 14 of 2018.

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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