

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19558 of 2020

Arising Out of PS. Case No.-48 Year-2019 Thana- MAHILA P.S. District- Siwan

SUDHIR SINGH RAJPUT S/O- Samser Singh Rajput Resident of Village - Ajana, P.S. - Lar, Distt. - Deoria at Present residing at Mohalla - Gandhinagar, Sector-29, Block NO. -12, Vandemataram Colony, P.S.- Gandhi Nagar, Distt.- Gandhinagar (Gujrat).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithu Devi @ Beuti Devi Daughter of Deonath Singh W/O- Sudir Singh Rajput at present residing at Village - Surwal, P.S. - Ziradei, District - Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 18-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

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

The present application has been filed on behalf of the petitioner seeking regular bail in connection with Siwan Mahila P.S. Case No. 48/19 for offences under section 498A of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

The present case was taken up on 17.06.2020 by a



Coordinate Bench of this Court. The petitioner was granted provisional bail for a period of four weeks i.e. till 15.07.2020 for the purpose of amicably settling the issue between the parties failing which the petitioner was further directed to surrender in the Court below and bring on record the surrender slip by way of supplementary affidavit. It was further observed that if the petitioner fails to do so, the instant petition will be deemed to be dismissed without further reference to the Bench.

In pursuance to the aforesaid order, an interlocutory application bearing I.A. No. 1 of 2020 was filed on 13.07.2020 i.e. prior to 15.07.2020. A prayer was made in the said interlocutory application for extension of provisional bail granted to the petitioner on the ground that the mother of the petitioner, residing at Gujarat, had expired and for the said reason, the petitioner wanted some extra time for the settlement between the parties. The petitioner is serving as Constable in the Indian Armed Service. The death certificate of the mother of the petitioner is enclosed as Annexure-2 to the Interlocutory Application.

Three supplementary affidavits have also been filed on behalf of the petitioner.

In pursuance to the order dated 17.06.2020 passed by the



Coordinate Bench, the petitioner surrendered in the Court below but the same was not accepted by the Court below by its order dated 14.09.2020. The surrender petition was rejected in the light of the order dated 17.08.2020 passed by the learned Sessions Judge and also in the light of various directions passed by Patna High Court taking into account of the COVID-19 pandemic in administrative side.

Considering the facts and circumstances of the case and in view of different orders passed by Patna High Court and the order passed by the learned Sessions Judge on account of COVID-19 pandemic in the administrative side, in my view, it would not be appropriate to dismiss the present application in the light of order dated 17.06.2020 passed by the Coordinate Bench of this Court. I.A. No. 1 of 2020 filed for extension of provisional bail granted to the petitioner is allowed. The provisional bail granted to the petitioner is extended till further order taking into account the grounds as mentioned therein. Hence, the order dated 17.06.2020 stands modified to the extent as indicated above.

It has been submitted on behalf of the petitioner that the petitioner was in custody since 07.02.2020 upto when he was provisionally released on bail by order dated 17.06.2020.



Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.*

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, the provisional bail granted to the petitioner, vide order dated 17.06.2020 in connection with Siwan Mahila P.S. Case No. 48 of 2019 to the satisfaction of learned S.D.J.M., Siwan, is hereby confirmed.

(Sudhir Singh, J)

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