

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16968 of 2020

Arising Out of PS. Case No.-31 Year-2017 Thana- NARAINPUR District- Bhojpur

BIJENDRA SINGH Son of Kameshwar Singh Yadav Resident of Village -
Marampur, P.S.- Narayanpur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ramesh Chandra, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2020 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 his prayer for bail in a case registered for the offences
punishable under Sections 304B/34 of the IPC.

The prosecution case got initiated on the basis of
written report of Satyendra Singh submitted to the Station
House Officer, Narayanpur Police Station, to the effect the
informant's daughter, namely Rinku Devi's marriage was
performed with the petitioner on 15.05.2017. But subsequently,
further dowry demand of a motorcycle and a gold chain was
made and due to non-fulfillment of the same, torture was



inflicted upon her by the petitioner and other in-laws family members. On 25.07.2017, the informant received information on mobile phone that his daughter has been killed.

It is submitted by learned counsel for the petitioner that on the basis of mere suspicion, the accusation has been levelled against the petitioner. The post-mortem suggests partial ligature mark on the neck and the cause of death has been opined by the doctor as asphyxia due to hanging. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, prior to death of the victim, no complaint with regard to torture or demand of dowry was made. Till date only five witnesses have been examined and the informant has not supported the prosecution case. 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 trial being concluded in near future. The petitioner is languishing in custody since 18.09.2017.

Learned APP for the State submits that the petitioner is the husband of the victim and the thrust of accusation is against him and the victim has been killed within two months of the marriage.



Considering the fact that the petitioner is languishing in custody since almost about 3 years and due to pandemic, 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 9th Additional Sessions Judge, Bhojpur at Ara, in connection with S.T. No.201/2018 (arising out of Narayanpur P.S. Case No.31/2017).

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 9th



Additional Sessions Judge, Bhojpur at Ara, in connection with
S.T. No.201/2018 (arising out of Narayanpur P.S. Case
No.31/2017.

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)

Amrendra/Ashwini

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