

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20333 of 2020

Arising Out of PS. Case No.-346 Year-2019 Thana- KORHA District- Katihar

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UMA KANT SINGH, S/o Late Tulsi Prasad Singh, Resident of Village-
Permanandpur, P.S.- Korha, Distt- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2020 The matter has been taken up through virtual Court proceeding.

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 defect/s within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defect/s 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 has preferred the present application for



grant of bail in a case registered for the offences punishable under Sections 304B, 341, 323, 504,506, 34 of the Indian Penal Code.

The prosecution case as per the written report of Bijay Kumar Mandal submitted before the S.H.O., Korha Police Station is to the effect that the informant got her daughter, Dauli Devi married with Mantu Kumar about 7-8 years prior to lodging of the present case. Subsequently, they were blessed with two children. Though for about two years, the relation between them was cordial, but thereafter, further dowry demand of Rupees One Lac was made and due to non-fulfillment of the same, torture was inflicted upon the daughter of the informant at the hands of the FIR named accused persons, including the petitioner. Though the informant tried to pacify the issue, but he failed to do so. Ultimately, on 04.09.2019, the informant came to know through his maternal brother that her daughter has been killed.

It is submitted by learned counsel for the petitioner that the marriage of the daughter of the informant was performed about eight years prior to lodging of the present case,hence no case under Section 304B is made out. The accusation is omnibus and general. The petitioner is languishing in custody since



25.12.2019 and the investigation has already been concluded. 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 petitioner is named in the FIR.

Considering the fact that the marriage of the daughter of the informant was performed about eight years prior to lodging of the present case, hence, the case does not come under the purview of Section 304B of the I.P.C., the investigation already being concluded 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 bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Katihar, in connection with Korha P.S. Case No. 346 of 2019.

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 CJM, Katihar, in connection with Korha P.S. Case No. 346 of 2019.

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.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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