

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20617 of 2020**

Arising Out of PS. Case No.-181 Year-2019 Thana- DHANAHA District- West Champaran

CHANDAN PATEL S/o Late Bhagan Kurmi @ Bhagan Patel R/o village-
Ranglalahi, P.O.- Ranglalahi, P.S.- Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zainul Abedin

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 08-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the victim is
languishing in custody since 06.11.2019, in a case registered for
the offences punishable under Sections 304B and 201/34 of the



IPC.

The prosecution case, as per the written report of Bigani Devi, submitted to the S.H.O., Dhanaha Police Station is to the effect that the sister-in-law of the informant was married with the petitioner about six years prior to the lodging of the present case. Subsequently, they were blessed with a male child. On 04.11.2019, the informant received an information through some co-villager of the petitioner, that due to non-fulfillment of the further dowry demand of Rs 50,000/-, the petitioner and his mother have killed the sister-in-law of the informant and the dead body has been disposed of.

Learned counsel for the petitioner submits that there is no eye-witness to the alleged occurrence. The accusation of demand of dowry after six years of marriage appears to be reasonable. The accusation is omnibus and general against the petitioner. In fact the victim has committed suicide. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded and 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.



Learned APP for the State submits that the thrust of accusation is against the petitioner, being the husband of the victim and the victim has been killed within seven years of the marriage due to non-fulfillment of dowry demand.

Considering the fact that the investigation has already been concluded, the FIR as well as the impugned order do not suggest any specific accusation against the petitioner, period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect 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 SDJM, Bagaha, West Champaran, in connection with Dhanaha P.S. Case No. 181 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 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 SDJM, Bagaha, West Champaran, in connection with Dhanaha P.S. Case No. 181 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 is disposed of.

(Dinesh Kumar Singh, J)

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