

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20468 of 2020

Arising Out of PS. Case No.-65 Year-2019 Thana- SONBERSA District- Sitamarhi

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1. MUNNA KUMAR S/o Rajendra Mandal Resident of Village- Chhoti Singvahini, P.S.- Saonbarsa, District- Sitamarhi.
 2. Dipu Kumar S/o Rajendra Mandal Resident of Village- Chhoti Singvahini, P.S.- Saonbarsa, District- Sitamarhi.
 3. Radha Devi W/o Rajendra Mandal Resident of Village- Chhoti Singvahini, P.S.- Saonbarsa, District- Sitamarhi.
 4. Kanchan Devi W/o Munna Kumar Resident of Village- Chhoti Singvahini, P.S.- Saonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2020 The Court proceeding has been conducted through virtual mode.

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 petitioners undertake to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the



bench.

None appears on behalf of the petitioners. However, learned APP for the State is present.

The petitioners, being the brothers, mother and brothers' wife of the informant are apprehends arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the as per the written report of one Mamta Devi submitted before the S.H.O., Sonbarsa Police Station is to the effect that the informant was married with co-accused, Dipak Mandal on 12.06.2015, but subsequently, after two years of marriage, further dowry demand of a car was made and due to non-fulfillment of the same, torture was inflicted upon the informant.

From the pleading of the petitioners it appears that the petitioners are residing separate from the husband of the informant and the accusation is omnibus and general. It is further submitted that the petitioners have no objection, if the informant resides with her husband. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.



Learned APP for the State submits that the petitioners are named in the FIR.

Considering the accusation being omnibus and general against the petitioners and the thrust of accusation is against the husband of the informant coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned ACJM-IV, Sitamarhi, in connection with Sonbarsa P.S. Case No. 65 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C

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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners 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 ACJM-IV, Sitamarhi, in connection with Sonbarsa P.S. Case No. 65 of 2019.

The learned Court below will be at liberty to extend the period of provisional anticipatory 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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