

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20667 of 2020

Arising Out of PS. Case No.-200 Year-2019 Thana- PALIGANJ District- Patna

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1. ANJANI RAM @ ANJANI KUMAR Son of Ram Kumar Ram Resident of Village - Ankuri, P.S.- Paliganj, District- Patna
 2. Rachna Devi Wife of Anjani Ram Resident of Village - Ankuri, P.S.- Paliganj, District- Patna
 3. Parvati Devi Wife of Ram Kumar Ram Resident of Village - Ankuri, P.S.- Paliganj, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2020 The court proceeding has been conducted through virtual mode.

Since, the physical court is not functional, due to present pandemic Covid-19, the present application has been listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within the said period, the office will again place the matter on board.

Heard learned counsel for the petitioners and the



State.

The petitioners, being the mother-in-law, brother-in-law(Bhaisur) and sister-in-law (Gotni) of the victim are apprehending their arrest in a case registered for the offences punishable under Sections 304B/34 of the IPC.

The prosecution case, as per the written report of Ashok Das, submitted to the Station House Officer, Paliganj Police Station is to the effect that daughter of the informant, Shobha Devi was married with co-accused Shailendra Kumar three years prior to the lodging of the FIR. On 12.06.2019 at 6 A.M., the father of the husband of the victim informed the informant that his daughter has been killed. Consequently, the informant went to in-laws' house of the victim and found all the accused persons including the petitioners missing, leading to registration of present case.

Learned counsel for the petitioners submits that the thrust of accusation is against the husband of the victim and the petitioners claim to be separate from the husband of the victim. It is further submitted that on conclusion of investigation, the petitioners were not sent up for trial, however, a wrong statement has been made in paragraph no. 10 of the petition to the effect that chargesheet has been submitted against the



petitioners, which is being clarified in paragraph no. 12 of the petition, wherein it has been stated that on conclusion of investigation, the case was not found true against the petitioners and the petitioners were not sent up for trial, but differing with the final form, the learned SDJM took cognizance against the petitioners under Sections 304B/34 of the IPC.

Learned counsel for the State submits that the petitioners are named in the FIR with specific accusation.

Considering the fact on conclusion of investigation, the petitioners were not sent up for trial and the fact that thrust of accusation is against the husband of the victim, let the petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below on furnishing one surety to the satisfaction of the learned ACJM-II, Danapur, in connection with Paliganj P.S. Case No. 200 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.



Let the learned Court below verify from the record and if it is found that on conclusion of investigation, charge has been submitted against these petitioners and they were sent up for trial, in that case, the petitioners will surrender and pray for regular bail however, if it is found that on conclusion of investigation, these petitioners were not sent up for trial then 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 learned ACJM-II, Danapur, in connection with Paliganj P.S. Case No. 200 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)

Amrendra/Ashwini

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