

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20186 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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1. C.P. Singh @ Suryakant Kumar Son of Shatrughan Singh Resident of Mohalla- Satendra Nagar, P.S.- Aurangabad Town, District- Aurangabad.
 2. Manju Devi @ Rinki Devi Wife of C.P. Singh Resident of Mohalla- Satendra Nagar, P.S.- Aurangabad Town, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-functional due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

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



Heard learned counsel for the petitioners and learned counsel for the State.

The petitioner No. 1, being brother of the husband of the victim and petitioner No. 2, being wife of petitioner No. 1 are apprehending their arrest in a case registered for the offence punishable under Sections 302, 304(B) of the Indian Penal Code, 1860.

The prosecution case as per the complaint filed by Anita Singh being Complaint Case No. 531 of 2019 on 15.07.2019 before the Chief Judicial Magistrate, Aurangabad which got registered as Aurangabad Town P.S. Case No. 265 of 2019 on 02.08.2019 after the complaint being transferred under Section 156(3) of the Cr.P.C. is to the effect that the informant used to reside in the neighborhood of her daughter's matrimonial house. It is alleged that on 10.12.2019, the informant found fire-smoke coming out from the in-laws house of her daughter and when the informant went there, she found that her daughter has been set on fire by all the



F.I.R named accused persons including the petitioners. Thereafter, the informant took her daughter to Anugrah Narayan Medical College & Hospital, Gaya for treatment where the victim died due to excess burn injuries The informant's statement was thereafter recorded. Subsequently, when the informant came to know that no case has been registered, hence, a complaint was filed on 15.07.2019 which ultimately led to the registration of the present case on 02.08.2019.

Learned counsel for the petitioners submits that the informant claimed to have known about the alleged occurrence took place on 10.03.2019 but the complaint was filed on 15.07.2019 and subsequently the F.I.R was registered on 02.08.2019. There is no cogent explanation for such delay. In fact the petitioners are brother and sister-in-law (bhabhi) of the husband of the victim who were at Dehradun on the date of alleged occurrence. The train reservation ticket to that effect has been brought on record as Annexure-2. The thrust of



accusation is against the husband of the victim. Moreover, the informant has subsequently retracted from the initial accusation and filed a petition to that effect in the Court of learned Chief Judicial Magistrate, Aurangabad which has been brought on record, as Annexure-4.

Learned A.P.P. submits that petitioners are named in the F.I.R and the informant claims to have seen the occurrence.

Considering the fact that from perusal of the F.I.R, it appears that date of marriage of the victim has not been mentioned, as a result, the F.I.R has been registered under Sections 302 and 304(B) of the Indian Penal Code also. Moreover, there is unexplained delay in lodging the complaint i.e. on 15.07.2019 which was subsequently registered as police case on 02.08.2019 when the informant claims to have seen the occurrence on 10.03.2019 and the thrust of accusation is against the husband of the victim, let the petitioners, above



named, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 265 of 2019, subject to the conditions as laid down under Section 438(2) 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 anticipatory bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 265 of 2019 including one surety given at the time of provisional bail.

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