

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20389 of 2020**

Arising Out of PS. Case No.-91 Year-2018 Thana- HASANPUR District- Samastipur

SANTOSH RAM S/o- Pavitra Ram Resident of Village- Sakarpura, P.S.-
Hasanpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma
For the Opposite Party/s : Mr.Jitendra Kumar Singh

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

2 02-07-2020 The matter has been taken up through virtual court proceeding.

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 petitioner 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 undertaken period, the office will again place the matter on board.

Heard learned counsels for the petitioner and the State.

The petitioner, being the husband of the victim has renewed his prayer for bail in a case registered for the offences



punishable under Sections 341, 323, 498A and 304B of the IPC.

The prosecution case, as per the fardbeyan of Nand Kishore Ram, recorded by Mahadeo Kamat, S.I.-cum-S.H.O., Hasanpur Police Station, on 30.05.2018 at 8 A.M., is to the effect that daughter of the informant, Neetu Kumari was married with the petitioner in the year 2012, but subsequent to the marriage, further dowry demand of Rs. 50,000/- was made and due to non-fulfillment of the same, the daughter of the informant was killed by all the accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that the accusation of dowry demand after six years of the marriage appears to be unreasonable. In fact, the victim committed suicide. Earlier prayer for bail of the petitioner was rejected by a Co-ordinate bench of this Court, vide order dated 06.03.2019, passed in Cr. Misc. No. 1852 of 2019 with a direction to the learned Court below to expedite the trial and conclude the same within a period of six months. It is further submitted that out of 13 chargesheeted witnesses, only 6 witnesses have been examined and they have not supported the prosecution case and even the informant has stated that no one killed the victim, rather she died due to illness. Moreover, in



the present situation created due to present pandemic, Covid-19, since the court is not functioning in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP submits that victim was killed within six years of the marriage and thrust of accusation is against the petitioner, being the husband of the victim.

Considering the fact that the informant and other prosecution witnesses have not supported the accusation during trial and in the present situation, created due to present pandemic, Covid-19, since the court is not functioning in physical mode, there is no likelihood of trial being concluded in near future, 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 Additional Sessions Judge-II, Rosera at Samastipur in connection with S.T. No. 206 of 2019 arising out of Hasanpur P.S. Case No. 91 of 2018.

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 learned Additional Sessions Judge-II, Rosera at Samastipur in connection with S.T. No. 206 of 2019 arising out of Hasanpur P.S. Case No. 91 of 2018.

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.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for two consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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