

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20270 of 2020

Arising Out of PS. Case No.-122 Year-2019 Thana- BEERPUR District- Begusarai

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Amit Paswan @ Dukho Paswan Son of Ramlagan Paswan Resident of Village
- Maida Bhabhangama, Ward No.10, P.S.- Birpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and
learned APP for the State.

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner, being the husband of the victim, is
languishing in custody since 22.01.2020 in a case registered for



the offences punishable under Sections 304B and 201/34 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Sita Devi submitted to the Station House Officer, Birpur Police Station, is to the effect that the daughter of the informant, Pinki Kumari was married with the petitioner, Amit Paswan in the year, 2013 and subsequently, they were blessed three children. But few days prior to the lodging of the case, the petitioner's family used to demand a motorcycle as dowry and on 27.08.2019 at 11.00 P.M., the daughter of the informant was killed. On 28.08.2019, the informant came to know about the death of the victim. The informant went there but the dead body was already disposed of. The three children of the victim conveyed the informant that the victim was hanged to death by all the accused persons. The informant tried to get the issue resolved but it could not resolve and hence, the FIR was lodged.

It is submitted by learned counsel for the petitioner that, in fact, during investigation the evidence has come that the marriage was performed in 2009 and hence, the case does not come within the purview of Section 304B of the Indian Penal Code and even assuming the accusation in the FIR, it appears



that after six years of the marriage, the demand of further dowry is unbelievable and unreasonable. Admittedly, the informant came to know about the death of her daughter and she went to the in-laws' house of her daughter on 28.08.2019 but the FIR was registered on 11.09.2019 and during investigation, it transpired that the victim's maternal uncle and aunt had participated in cremation and there was demand of transfer of land by the informant but for non-fulfillment of the same, the present case has been lodged against the petitioner. The investigation has already been concluded and there is no likelihood of trial being concluded in near future due to present pandemic, COVID-19.

Learned APP for the State submits that the petitioner is the husband of the victim and thrust of accusation is against him.

Considering the delayed lodging of the case and investigation already being concluded, 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 Chief Judicial Magistrate-VI, Begusarai in connection with Birpur P.S. Case No. 122 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 upon 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 the learned Additional Chief Judicial Magistrate-VI, Begusarai in connection with Birpur P.S. Case No. 122 of 2019.

The learned Court below is 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 application stands disposed of.

(Dinesh Kumar Singh, J)

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