

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20518 of 2020

Arising Out of PS. Case No.-317 Year-2019 Thana- OBRA District- Aurangabad

-
1. Kamta Singh Son of Late Janki Singh Resident of Village - Tuturkhi, P.O. - Obra, Distt - Aurangabad.
 2. Lalti Devi Wife of Late Saryu Singh Resident of Village - Tuturkhi, P.O. - Obra, Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Ram Priya Sharan 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 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 petitioners are languishing in custody since 31.12.2019 in a case registered for the offences punishable under Sections 304(B), 498(A), 201 of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Jainendra Singh, submitted to the S.H.O, Obra Police Station is to the effect that informant got his daughter married with Chandan Singh, son of petitioner No. 2, seven years prior to lodging of the present case. Subsequently, they were blessed with two children, out of which, one is of six years and second is of five years of age. On 29.12.2019, the informant came to know that the family members and their relatives of the informant's daughter have killed her, leading to registration of the F.I.R.

Learned counsel for the petitioners submits that



petitioner No. 1 is uncle and petitioner No. 2 is mother of the husband of the victim. The accusation is omnibus and general against all the F.I.R named accused persons including the petitioners and the thrust of accusation is against the husband of the victim. Admittedly, the marriage was performed more than seven years prior to the lodging of the case, hence the case does not come under the purview of Section 304 of the I.P.C and the investigation has already been concluded.

Learned counsel for the State and the informant submit that petitioners are named in the F.I.R and the daughter of the informant has been killed due to non-fulfillment of dowry demand.

Considering the fact that as per the own statement of the informant and the age of the children of the victim, it appears that marriage was performed more than seven years prior to the alleged occurrence, the investigation has been concluded and the thrust of accusation is against the husband of the victim, let the



petitioners, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P.S. Case No. 317 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.

The provisional 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) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P.S. Case No. 317 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)

Shageer/-

U		T	
---	--	---	--

