

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20741 of 2020

Arising Out of PS. Case No.-92 Year-2019 Thana- MIRGANJ District- Purnia

=====

Nilesh Singh S/o Late Ganesh Singh R/o Village-Sangha Ghat, P.S.-Mirganj,
District-Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2020 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 petitioner 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 petitioner and learned counsel for the State.

The petitioner being husband of the victim is languishing in custody since 16.09.2019 in a case registered for the offences punishable under Sections 302, 328/34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Raj Kumar Singh, submitted to the S.H.O, Mirganj Police Station is to the effect that the informant got his daughter Radha Devi married with the petitioner eleven years prior to lodging of the present case. Subsequently, they were blessed with two children and thereafter petitioner started torturing the victim. However, somehow, the matter was pacified by the informant. It is alleged that on 18.07.2019 at 9:30 P.M., the co-villagers of informant's daughter's in-laws informed that the victim has been killed by administering poison.

Learned counsel for the petitioner submits that



the victim herself consumed poison and committed suicide. The postmortem report does not suggest any injury, particularly any resisting injury on the body of the victim, hence the cause of death could not be ascertained and the viscera has been kept preserved. Admittedly, the informant is not the eye witness to the alleged occurrence and the investigation has already been concluded.

Learned A.P.P. submits that the impugned order suggests that prosecution case has been supported by some of the witnesses and the petitioner killed the victim by administering poison.

Considering the fact that accusation of forceful administration of poison on the victim has not been corroborated by the postmortem report which also does not suggest any resisting injury on the body of the victim and the investigation has been 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 learned Additional District & Sessions Judge, 5th, Purnea in connection with Mirganj P.S. Case No. 92 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 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, 5th, Purnea in connection with Mirganj P.S. Case No. 92 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	
---	--	---	--

