

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20365 of 2020

Arising Out of PS. Case No.-267 Year-2019 Thana- ADAPUR District- East Champaran

VIKASH PASWAN @ VIKASH KUMAR PASWAN, Son of Naresh Paswan,
Resident of Village-Bhawnari, P.S.-Adapur, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2020 The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defect/s within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defect/s within the undertaken period, the office will place the matter before the bench.

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

The petitioner, being the husband of the victim, has preferred the present application for grant of bail in a case



registered for the offence punishable under Section 304B of the Indian Penal Code, 1860.

The prosecution case as per the fardbeyan of Gallu Paswan recorded by Sunil Kumar, S.I.-cum-S.H.O., Adapur Police Station on 21.10.2019 at 12.40 P.M. is to the effect that the daughter of the informant, Nirmala Devi was married with the petitioner, Vikash Paswan about six months prior to lodging of the present case, but subsequently, there was further dowry demand of a motorcycle and due to non-fulfillment of the same, the torture was inflicted upon the daughter of the informant. In the morning of 21.10.2019, the informant was informed that his daughter is not well and after having received such information when the informant reached at the in-law's house of his daughter, he found her daughter dead. The informant noticed mark of injuries around the neck of the dead body of the victim.

It is submitted by learned counsel for the petitioner that the accusation has maliciously been levelled against the entire in-laws' family, including the petitioner. In fact, the victim committed suicide and there was no dowry demand from the victim. Subsequently, the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below. Moreover, on conclusion of investigation, the



chargesheet has been submitted under Section 302 of the I.P.C. The petitioner is languishing in custody since 22.10.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and there is no likelihood of trial being concluded in near future since the court proceeding is not conducting in physical mode due to the present pandemic, Covid-19.

Learned APP for the State submits that the accusation is specific against the petitioner being husband of the victim.

Considering the fact that on conclusion of investigation, the accusation has not been found true under Section 304B of the I.P.C., the investigation already being concluded and the trial is not likely to be concluded in near future since the physical court is not conducting due to the present pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 SDJM, Raxaul at Motihari, East Champaran, in connection with Adapur P.S. Case No. 267 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.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 SDJM, Raxaul at Motihari, East Champaran, in connection with Adapur P.S. Case No. 267 of 2019.

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.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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