

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20792 of 2020

Arising Out of PS. Case No.-22 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

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RAMLALI KUNWAR Wife of Late Ramji Sah Resident of Village - Amra
Talab, P.S.- Sasaram (M), Distt - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2020 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 the said period,
the office will again place the matter on board.

Heard learned counsels for the petitioner and the
State.

The petitioner, being the mother of the husband of the
victim, who is languishing in custody since 04.01.2020, has



preferred the present application for grant of bail in a case initially registered for the offences punishable under Sections 498A, 302 and 120B of the IPC, but subsequently, chargesheet has been submitted under Sections 498A and 306 of the IPC and thereupon, cognizance has been taken under Sections 498A and 306 of the IPC

The prosecution case got initiated upon filing of Complaint Case No. 771 of 2018, by Madan Sah, which subsequently got registered as Sasaram Mufassil P.S. Case No. 22 of 2019, after the same being transferred under Section 156(3) of the IPC, which is to the effect that the sister of the complainant, Diwya Devi was married with the son of the petitioner, co-accused Baijnath Sah in year 2006, but subsequently, due to non-fulfillment of the further dowry demand of a tractor, torture was inflicted upon the sister of the complainant. On 22.11.2017, all the accused persons including the petitioner made an attempt to kill the sister of the informant by causing burn injury, as a result, the sister of the complainant received 90% burn injury and ultimately, on 01.12.2017, during course of treatment, the sister of the complainant died in the hospital, leading to registration of the FIR.

It is submitted by learned counsel for the petitioner



that for the alleged occurrence of 01.12.2017, the complaint was filed on 18.08.2018, after about nine months and 17 days of the alleged occurrence and ultimately the police case was registered on 24.01.2019. On conclusion of investigation, the case has not been found true under Section 302 of the IPC and chargesheet has been submitted under Section 498A and 306 of the IPC and subsequently, cognizance has been taken under the same provisions of the IPC. In fact, the victim committed suicide by setting herself on fire. It is further submitted that the petitioner is an old widow. The accusation against the petitioner is omnibus and general. Thrust of accusation is against the husband of the victim. Moreover, the investigation has already been concluded and the petitioner is languishing in custody since 04.01.2020.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that on conclusion of investigation, chargesheet has been submitted under Section 498A and 306 of the IPC, the investigation has already been concluded, the petitioner is an old widow and the period under custody, 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 22 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 learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 22 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 is disposed of.

Amrendra/-

(Dinesh Kumar Singh, J)

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