

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20287 of 2020

Arising Out of PS. Case No.-202 Year-2019 Thana- TAJPUR District- Samastipur

Pankaj Sahni S/o Daroji Chaudhari @ Darogi Sahani R/o Village-
Chakamdhaul, P.S.- Tajpur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-08-2020 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 26.07.2019 in a case registered for



the offences punishable under Sections 304B/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 Sunil Sahani submitted to the Station House Officer, Tajpur Police Station, is to the effect that the sister of the informant, Nitu Devi was married with the petitioner in 2017 but subsequent to the marriage there was further dowry demand of Rs. One lakh and for non-fulfillment of the same, torture was inflicted upon the victim. The issue was resolved for some time. On 25.06.2019 the petitioner came to the house of the informant demanded Rs.One lakh when the informant assured to make payment. After four days the sister of the informant informed the informant that for non-fulfillment of the money, the torture is being inflicted. On 01.07.2019 at 5.30 P.M. the petitioner and his mother informed the informant that they are coming to the house of the informant but on the same day the sister of the informant was killed.

It is submitted by learned counsel for the petitioner that the accusation of demand of further dowry after two years of the marriage appears to be unreasonable. In fact, after the marriage the petitioner and the victim were blessed with two



children but none of the children could survive, as a result, the victim was under depression and ultimately she committed suicide. The accusation is omnibus and general against against the in-laws family and mother of the petitioner, namely, Binda Devi has been granted bail by Co-ordinate bench of this Court vide Cr. Misc. No. 7713 of 2020. The investigation has already been concluded and there is no likelihood of trial being concluded in near future due to the present pandemic, COVID-19 since the Court proceedings are not functional in physical mode.

Learned APP for the State submits that the thrust of accusation is against the petitioner and the victim has been killed within seven years of the marriage.

Considering the fact that the investigation has already been concluded, there is no likelihood of trial being concluded in near future and co-accused Binda Devi has been granted bail, 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 Sessions Judge-III, Samastipur in connection with Sessions Trial No. 647 of 2019, arising out of Tajpur P.S. Case No. 202 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 Sessions Judge-III, Samastipur in connection with Sessions Trial No. 647 of 2019, arising out of Tajpur P.S. Case No. 202 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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