

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20720 of 2020

Arising Out of PS. Case No.-267 Year-2019 Thana- PARSA District- Saran

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UMA RAM S/o Krishna Ram Resident of Village- Lalapur, P.S.- Parsa,
District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Pranav Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 21-10-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner is in jail custody since 26.7.2019 in connection with Parsa P.S. Case No. 267 of 2019 registered under Sections 302 and 304B/34 of the Indian Penal Code.

Learned counsel of the petitioner submits that in present situation of COVID 19 when the Court is not physically functioning, it is very difficult to remove the defects, as pointed by the Office. However, he undertakes to remove the defects when the Court starts normal function.

Petitioner is husband of deceased and admittedly after investigation, police submitted chargesheet under Sections 302, 304B/34 of the Indian Penal Code but submission on



behalf of the petitioner is that no case under Section 304B of the Indian Penal Code is made out because it is admitted case of the prosecution that the death of deceased took place much after seven years of her marriage. Learned counsel of the petitioner, further, submits that it has come in course of investigation that the deceased gave birth to two children after her marriage and the elder child of the deceased was aged about 12-13 years at the time of alleged occurrence and, therefore, Section 304B of the Indian Penal Code is not attracted in the present case. Learned counsel of the petitioner, further, submits that so far as Section 302 of the Indian Penal Code is concerned, none had seen the actual killing of the deceased and, admittedly, the dead body of the deceased was found in the house of the petitioner but, as a matter of fact, the petitioner intended to go outside the State in connection with his livelihood and deceased also wanted to go along with the petitioner and when petitioner refused to accompany the deceased, she committed suicide which is obvious from the postmortem report.

Although, learned Additional Public Prosecutor opposed the prayer but considering the above stated submissions as well as period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Saran at Chapra in connection with Parsa P.S. Case No. 267 of 2019.

Learned counsel of the petitioner shall remove the defects as pointed out by the office within four weeks from the date when court starts normal function and if the learned counsel of the petitioner fails to remove the defects within the above stated period, the office shall list this matter before appropriate Bench for passing necessary order.

(Hemant Kumar Srivastava, J)

Spd/-

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