

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19098 of 2020

Arising Out of PS. Case No.-60 Year-2019 Thana- MAHILA PS District- East Champaran

Chit Ranjan Sharma Son of Late Rameshwar Sharma Resident of Village-
Madhubani, Tola- Bhatuli , P.S.-Sangram Pur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi Daughter of Chandrakishore Tiwary Resident of Village-
Tilkahani Raghunath Pur, P.S.-Ramgarhwa, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-05-2020 The matter has been taken up through virtual court
proceeding.

Heard Mr. Vijay Shankar Shrivastava, learned counsel
for the petitioner and Mr. Binod Kumar, learned APP for the
State.

The present application has been preferred for grant of
bail in a case registered for the offences punishable under
Sections 341, 323, 494 and 498A/34 of the Indian Penal Code.

The prosecution case, as per the written report of
Poonam Devi submitted to the Station House Officer of
Motihari Mahila Police Station, is to the effect that the
informant, Poonam Devi was married with the petitioner about



15 years prior to the lodging of the case. She was blessed with three children but subsequently, the petitioner performed second marriage and thereafter, the petitioner and his family members used to assault the informant. The informant was being deprived of regular food. On 08.09.2019 at 11.00 P.M. attempt was made to throttle the informant and kill her by causing burn injury but on alarm being raised, the villagers came and saved her.

It is submitted by learned counsel for the petitioner that the marriage between the petitioner and the informant and birth of three children are admitted. The informant is still living in the house of the petitioner and he is maintaining the informant and the children. The petitioner was arrested on 16.02.2020 at 3.00 A.M. but during arrest he sustained fracture injury in his left leg but in the same condition he was being remanded to judicial custody. Subsequently, he was admitted in Sadar Hospital, Motihar, East Champaran on 21.02.2020 where a Medical Board was constituted on 27.02.2020. The Medical Board came to a definite finding with regard to fracture of distal tibia and fibula of left leg of the petitioner and recommended for surgical interference but the same could not be done due to the lack of adequate surgical facilities. However, it is submitted by learned counsel for the petitioner that recently the petitioner has



been operated upon in PMCH but he is still languishing in judicial custody. Admittedly, no injury was caused to the informant which gets reflected from the FIR and there is no proof that the petitioner has performed second marriage. The investigation has already been concluded.

Learned APP, however, submits that the thrust of accusation is against the petitioner but he has not controverted the factum of the fracture injury received by the petitioner.

Considering the nature of accusation, the petitioner being in judicial custody since 16.02.2020, investigation has already been concluded and the medical condition of the petitioner, 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 A.C.J.M.-14, Motihari, East Champaran in connection with Motihari Mahila P.S. Case No. 60 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 Adhar 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 A.C.J.M.-14, Motihari, East Champaran in connection with Motihari Mahila P.S. Case No. 60 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lockdown, due to present pandemic COVID-19, is not over in next three months.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

