

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21139 of 2020

Arising Out of PS. Case No.-282 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Yogeshwar Sharma @ Manoj Kumar Son of Late Ratan Singh Resident of
Village- Basdiha, Police Station- Amjhor, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Partima Kumari W/o Nand Kishore Sharma, Daughter of Late Dayanand Sharma At Present resident of Village- Dalelganj, Ward No.-25, Police Station- Sasaram (T), P.O.- Sasaram, District- Rohtas at Sasaram.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects the office will place the matter before the bench.

The petitioner, being the father-in-law of the informant, is languishing in custody since 06.01.2020 in a case



registered for the offences punishable under Sections 498A, 504, 506, 307/34, 120B of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the complaint filed by Partima Kumari which got transferred under Section 156(3) of the Cr.P.C. to the police and ultimately, Sasaram (Town) P.S. Case No. 282 of 2019 was registered, is to the effect that marriage of the informant was solemnized with Nand Kishore Sharma on 09.07.2018 but subsequent to the marriage, there was demand of further dowry. It is alleged that on 14.12.2018, in the night, the petitioner and his wife, co-accused Shyama Devi poured kerosene oil and lit the fire but subsequently, the mother-in-law started extinguishing the fire and subsequently, she was taken to Surya Hospital.

It is submitted by learned counsel for the petitioner that, in fact, the informant caught fire accidentally and the petitioner and others saved the informant and subsequently, all accused persons including the petitioner took the victim to the hospital and for the alleged occurrence of 14.12.2018, complaint was filed on 15.03.2019. It is further submitted that the petitioner is ready to keep the informant with dignity and



honour, statement to that effect has been made in paragraph 16 of the petition and the petitioner is in custody since 06.01.2020.

Learned APP for the State submits that the accusation is specific against the petitioner and he is named in the FIR.

Considering the fact that the informant has admitted that she was taken to the hospital by the petitioner and others for medical assistance and investigation being concluded, 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 (Town) P.S. Case No. 282 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No. 282 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 is disposed of.

(Dinesh Kumar Singh, J)

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