

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.21391 of 2020**

Arising Out of PS. Case No.-137 Year-2019 Thana- EKMA District- Saran

PAPU PATEL Son of Kedar Patel R/o village - Parsagarh, P.S.- Ekma, District  
– Saran ... .. Petitioner

Versus

THE STATE OF BIHAR ... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

3      21-08-2020                      Learned counsel for the petitioner undertakes to remove all the defects within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner.

Mr. Brajendra Nath Pandey, learned APP for the State is present and has appeared in this case.

The petitioner in the present case is seeking regular bail in connection with Ekma P.S. Case No. 137 of 2019 registered for the offences punishable under Sections 302, 304(B), 498(A)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the present case has been registered on a complaint petition referred to the police station under Section 156(3) Cr.P.C. alleging that the daughter of the informant was murdered in want of fulfillment of demand of dowry but in course of investigation having realized his mistake the informant and the prosecution party resiled from their allegations and



informed the investigating officer that his daughter died due to snake bite.

Learned counsel submits that the petitioner had got two children i.e. one daughter aged about 5 years and one son aged about 3 years and now in absence of their mother the petitioner has to bear the responsibility and in the present case where the prosecution itself has come out with a statement that the wife of the petitioner died due to a snake bite and the Police has submitted final form saying it is a case of mistake of fact but the learned Chief Judicial Magistrate has differed with the police report and decided to proceed with the matter, no fruitful purpose will be served by keeping the petitioner behind the bar as it is not likely to come in aid of investigation and help the prosecution.

Mr. B. N. Pandey, learned APP has though opposed the prayer for regular bail of the petitioner but has ultimately accepted that in the given facts and circumstances of the case where the prosecution itself is not supporting the case against the petitioner, in the nature of the case and the materials present no fruitful purpose would be served by keeping the petitioner behind the bar. The petitioner is in custody for last nine months.

Having regard to the above mentioned submissions, facts and circumstances of the case, let the petitioner above named be released on bail in Sessions Trial No. 139 of 2020 arising out of Ekma P.S. Case No. 137 of 2019 on furnishing of bail bonds of Rs.



25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction learned Additional Sessions Judge IX, Chapra, Saran, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accuse, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioners.

This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

