

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22334 of 2020

Arising Out of PS. Case No.-426 Year-2019 Thana- HARSIDHI District- East Champaran

Ratan Sah S/o- Late Jhapas Resident of Village- Bishunpura, Tali, P.S.-
Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2020 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 father-in-law of the
victim, is languishing in custody since 05.03.2020 in a case
registered for the offences punishable under Sections 498A and



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 Dhruv Sah submitted to the Station House Officer, Harsidhi P.S., is to the effect that the informant got his daughter, Rinki Kumari married with Santosh Kumar Sah, the son of the petitioner one and half years prior to the lodging of the case but subsequent to the marriage, there was further demand of Rs. Two lakhs and a motorcycle was made by the accused persons and for non-fulfillment of the same, torture was inflicted upon the victim at the hand of the accused persons. On 10.12.2019, the informant came to know that his daughter has been hanged to death.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against all the accused persons including the petitioner and thrust of accusation is against the husband of the victim, who is in custody. The investigation has already been concluded and in fact, the victim committed suicide.

Learned APP for the State submits that the petitioner is named in the FIR with accusation.

Considering the fact that the thrust of accusation is



against the husband of the victim 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, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 426 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, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 426 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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