

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22758 of 2020

Arising Out of PS. Case No.-21 Year-2003 Thana- SARAIYA District- Muzaffarpur

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LAL BABU SAHNI @ LAL BABU SAHANI S/o Late Saryug Sahni
Resident of Village- Basantpur Patti, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Ram Chandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.

Heard learned counsel for the petitioner and

learned counsel for the State.



The petitioner, being brother of the husband of the victim is languishing in custody since 29.06.2019 in a case registered for the offence punishable under Sections 304(B) of the Indian Penal Code, 1860.

The prosecution case as per the written report of Suresh Sahni, submitted to the S.H.O, Saraiya Police Station is to the effect that daughter of the informant was married with Ram Babu Sahni, brother of the petitioner after which, torture was inflicted upon the daughter of the informant for non-fulfillment of dowry demand. However, the informant thereafter pacified the issue but on 11.02.2003, the informant came to know that is daughter has died.

It is submitted by learned counsel for the petitioner that thrust of accusation is against the husband of the victim and petitioner has falsely been implicated in this case only because he happens to be the brother of the husband of the victim.

Learned A.P.P. submits that petitioner has been



named in the F.I.R.

Considering the fact that thrust of accusation is against the husband of the victim, 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 learned 3rd Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 599 of 2019, arising out of Saraiya P.S. Case No. 21 of 2003.

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 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. 10,000/-(ten



thousands) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 599 of 2019, arising out of Saraiya P.S. Case No. 21 of 2003 including one surety given at the time of provisional bail.

The learned Court below will be 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 present application stands disposed of.

(Dinesh Kumar Singh, J)

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