

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23868 of 2020**

Arising Out of PS. Case No.-807 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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AMLESH KUMAR S/o Ghuran Pandit Resident of Village- Salehchak,
Kashba, P.O.- Hussaina, P.S.- Ballia, Distt- Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Guriya Kumari W/o Amlesh Kumar, D/o Ramshankar Pandit Resident of
Village- Chatra, (Mansi), P.S.- Mufasil, Distt- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four week of resumption
of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken



period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the complainant is languishing in custody since 11.02.2020, in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC.

The prosecution case, as per the complaint case, filed by Guriya Kumari is to the effect that the complainant was married with the petitioner on 20.05.2009, but subsequent to the marriage, further dowry demand of Rs. 3 lac was made and due to non-fulfillment of the same, the complainant was tortured and an attempt was made to kill the complainant by all the accused persons including the petitioner.

Learned counsel for the petitioner submits that demand of dowry after about nine years of marriage, appears to be unreasonable and there is no injury report on record to corroborate the accusation.

Learned APP for the State submits that the thrust of accusation is against the petitioner being the husband of the complainant.

Considering the nature of accusation, period under



custody and the investigation already 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 ACJM-V, Begusarai, in connection with Complaint Case No. 807C of 2017.

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 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 learned . ACJM-V, Begusarai, in connection with Complaint Case No. 807C of 2017.

The learned Court below will be at liberty to extend



the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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