

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22726 of 2020

Arising Out of PS. Case No.-132 Year-2017 Thana- PIPRAKOTHI District- East Champaran

Shahabuddin @ Md. Shahabuddin S/o Surffuddin Resident of Chandsaraiya,
P.S.-Pipra Kothi, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 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 husband of the victim, has



renewed the prayer for bail in a case registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

The prosecution case, as per the written report of Monasiv Mian submitted to the Station House Officer, Pipra Kothi Police Station, is to the effect that on 07.03.2019, the informant received information that his sister, Sabra Khatoon has died and subsequently, when he went to the in-laws' house of his sister he found the dead body of his sister. The informant came to know that his sister was taken to the hospital but during treatment she died. It is alleged that the sister of the informant used to convey the informant that her husband, the petitioner used to make demand of a motorcycle. It is further alleged that the parents-in-law of the victim used to threaten to administer her poison. The informant claimed that the petitioner had some affairs with some other lady.

It is submitted by learned counsel for the petitioner that the accusation of demand of dowry after four years of the marriage appears to be unreasonable and unbelievable and in fact, the victim consumed poison but she was taken to the hospital and was given proper medical assistance but she died. During postmortem, no injury either external or internal has been found and the viscera has been preserved since no resisting



injury was found and hence, it cannot be said that the poison was forcefully administered. The petitioner is languishing in custody since 20.07.2018 and only charges have been framed on 06.01.2020 and hence, there is no likelihood of trial being concluded in near future due to the present pandemic, COVID-19. Though, a Co-ordinate bench of this Court (since retired) vide order dated 27.02.2019 passed in Cr. Misc. No. 76310 of 2018 while rejecting the prayer for bail of the petitioner had directed to expedite the trial but more than 1 ½ years have passed but no progress has been made in the trial.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the fact that the victim died after four years of the marriage, material on record suggests that there was no injury found either external or internal on the body of the victim, viscera has been preserved and there is no substantial progress in the trial, 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 Additional District & Sessions Judge-V, East Champara, Motihari in connection with Sessions Trial No. 692 of 2019, arising out of Pipra Kothi P.S. Case No. 132 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 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 Additional District & Sessions Judge-V, East Champaran, Motihari in connection with Sessions Trial No. 692 of 2019, arising out of Pipra Kothi P.S. Case No. 132 of 2017.

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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