

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23326 of 2020

Arising Out of COMPLAINT CASE No.-405 Year-2017 District- Samastipur

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Bindeshwar Paswan S/o Late Nandlal Paswan Resident of Village-Raipur,
P.S.-Ujiarpur, District-Samastipur.

... .. Petitioner

Versus

1. The State Of Bihar
2. Lalpari Devi, wife of Ramprit Paswan, resident of Village-Raipur, Ward No.9, P.S-Ujiarpur, District-Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party/State: Ms Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-10-2020 Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.



Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Complaint Case No.405 of 2017 in which cognizance has been taken under Sections 365/34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that there is delay of 22 days in institution of the complaint. The complaint was filed under Sections 366/34 and 120B of the Indian Penal Code, but the learned Magistrate took cognizance of the offence only under Section 365/34 of the Indian Penal Code. He further contended that alleged victim Sangita Devi is a widow having a minor son and has performed marriage with another person out of her own sweet will and left the house of the complainant and is living with her husband happily. The complainant is maternal uncle of the alleged victim and after death of her husband, she was not living with her parents rather at the village home of her mausi Lalpari devi, who instituted the present case out of village politics and enmity against the petitioner.

Learned Additional Public Prosecutor for the State



has opposed the prayer for grant of bail to the petitioner.

Considering the nature of the offence and the submissions advanced on behalf of the petitioner and the statement made in para-3 of the application that the petitioner has got no criminal antecedent, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Dalsingsarai, District- Samastipur in connection with Complaint Case No.405 of 2017.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.



- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Abhay Shankar Singh, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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