

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23294 of 2020

Arising Out of PS. Case No.-793 Year-2019 Thana- KUDHNI District- Muzaffarpur

Sudiyand Sahani Son of Nathuni Sahani Resident of Village - Bachhuman,
P.S.- Kudhani, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 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 informant,
is languishing in custody since 22.01.2020 in a case registered



for the offences punishable under Sections 341, 342, 323, 307, 427, 498A, 504, 506/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Pramod Kumar submitted to the Station House Officer, Kudhani Police Station, is to the effect that the sister of the informant was married with the petitioner in the year, 2013 but subsequent to the marriage, one car was demanded as dowry and for non-fulfillment of the same, torture was inflicted upon the sister of the informant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the sister of the informant and is ready to keep her as wife with full dignity and honour, statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is always ready and willing to keep his wife with full honour and dignity.”

Moreover, investigation has already been concluded.

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



Considering nature of accusation and the fact that the investigation has already been 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 Additional Chief Judicial Magistrate 3rd -cum- Sub Judge (West), Muzaffarpur in connection with Kudhani P.S. Case No. 793 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 Additional Chief Judicial Magistrate 3rd -cum- Sub Judge (West), Muzaffarpur in connection with Kudhani P.S. Case No. 793 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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