

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73289 of 2019

Arising Out of PS. Case No.-97 Year-2018 Thana- DARBHANGA District- Darbhanga

SURENDRA KHARGA S/o Ram Prasad Kharga Resident of Village-
Basantganj Shivajee Nagar Ward No.- 22, P.S.- Town, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 08-07-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, being the husband of the victim, who is languishing in custody since 07.08.2018, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 341, 323, 504, 506, 307 and 498A/34 of the IPC. Subsequently Sections 302, 304B and 120B of the IPC were also added vide order dated 24.07.2018.

The prosecution case, as per the fardbeyan of Shobha Devi, recorded by A.S.I., Rama Shankar Paswan, on 11.05.2018 at 6.15 P.M., is to the effect that on the same day, the informant was at her in-laws' house when all the accused persons



including the petitioner put kerosene oil on her body and lit fire. Subsequently, the co-villagers of the informant informed the parents of the informant about the incident, then the family members of the informant came and took her to hospital for treatment, where she succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the informant, in her fardbeyan, admitted that the marriage was performed about seven years prior to the alleged occurrence, hence the case does not come within the purview of Section 304B of the IPC. In fact, the victim herself caught fire while cooking. It is further submitted that in the present situation, created due to pandemic, Covid-19, since the physical court proceeding is not functional, there is no likelihood of trial being concluded in near future.

Learned APP submits that the petitioner is named in the FIR and thrust of accusation is against the petitioner being the husband of the victim.

Considering the fact that the accusation is specific against the petitioner and his other family members, the victim succumbed to the burn injuries and the report of the learned 6th Addl. Sessions Judge, Darbhanga, dated 07.03.2020 reflects that out of 13 chargesheeted witnesses, 12 witnesses have already



been examined and for examination of remaining one witness, N.B.W. has been issued, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, in connection with Town P.S. Case No. 97 of 2018, S. Tr. No. 73 of 2019, pending in the Court of learned 6th Additional Sessions Judge, Darbhanga is rejected.

However, it is expected from the S.P., Darbhanga to produce all the witnesses when the learned trial court is expected to conclude the trial within three months of resumption of court proceeding in physical mode.

Let the order be transmitted to the S.P., Darbhanga and learned 6th Additional Sessions Judge, Darbhanga through e-mail.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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