

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69671 of 2019

Arising Out of PS. Case No.-52 Year-2018 Thana- SAHPUR District- Patna

=====

PAPPU RAI Son of Mahesh Rai Resident of Village - Hetanpur, P.S.-
Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner, being the elder brother of the husband of the
victim, has preferred the present application for grant of bail in a
case registered for the offences punishable under Section
304B/34 of the Indian Penal Code, 1860 and Sections 3/4 of the
Dowry Prohibition Act.

The prosecution case as per the written report submitted by
Vikash Kumar submitted before the Shahpur Police Station is to
the effect that that sister of the informant Guriya Devi was
married with co-accused, Munarik Rai on 05.05.2017, but
subsequent to marriage, there was further dowry demand and on



21.12.2018, the informant came to know that her sister has been killed by her husband and the petitioner as well as the mother-in-law by throttling.

It is submitted by learned counsel for the petitioner that the omnibus and general accusation has been levelled against the entire in-laws family, including the petitioner. The petitioner claims to reside separately from the husband of the victim. The husband of the victim has been released on bail under the provisions of Section 167(2) of the Cr. P.C. A statement to that effect has been made in paragraph no.9 of the petition. The petitioner is languishing in custody since 29.07.2019 and the investigation has already been concluded. There is no chance of trial being concluded in near future since, in view of the present pandemic, Covid-19, the court proceeding is not functional in physical mode. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering totality of the nature of accusation, the husband of the victim, being released on bail and there is no likelihood of trial being concluded in near future since the court



proceeding not being functional in physical mode due to present pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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-I, Danapur, Patna, in connection with Shahpur P.S. Case No. 52 of 2018.

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 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 ACJM-I, Danapur, Patna, in connection with Shahpur P.S. Case No. 52 of 2018.

The learned Court below will further 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.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

