

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73033 of 2019

Arising Out of PS. Case No.-207 Year-2018 Thana- GAIGHAT District- Muzaffarpur

Vishun Mahto S/O Suraj Mahto Resident of Village - Ladaur, P.S. - Gaighat
(Benibad O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mrs. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner, being the husband of the victim is languishing in custody since 11.06.2019, in a case registered for the offences punishable under Sections 304B/34 of the IPC.

The prosecution case, as per the written report of Subklal, submitted to the S.H.O., Gaighat Police Station is to the effect that the daughter of the informant was married with the petitioner about two years prior to the lodging of the present case. On 25.06.2018 at about 10 A.M., the neighbour of the informant was informed through mobile phone that daughter of the informant has died. Consequently, the informant went to in-laws' house of his daughter and came to know that due to non-



fulfillment of further dowry demand of Rs. 1 lac and a motorcycle, all the accused persons including the petitioner killed his daughter by causing burn injuries.

It is submitted by learned counsel for the petitioner that the victim died due to accidental burn injuries and in fact attempt was made to save her. The informant has retracted from his initiation accusation and filed a petition to that effect before the learned Court below after the incident. Moreover, the father-in-law of the victim has been granted bail by a Co-ordinate bench of this Court, vide order dated 06.12.2018, passed in Cr. Misc. No. 72116 of 2018.

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

It appears that a Co-ordinate bench of this Court, vide order dated 05.03.2020, called for a report from learned Additional Chief Judicial Magistrate-XV, Muzaffarpur with regard to present stage of trial in connection with Gaighat P.S. Case No. 207 of 2018.

A report dated 20.03.2020 has been transmitted by learned 10th Additional District and Sessions Judge, Muzaffarpur, which has been kept at flag- 'X', which reflects



that charges have already been framed on 03.02.2020, though no witness has been examined till date.

Considering the investigation already being concluded, retracted version of the informant from his initial accusation, period under custody, and the fact that the report of the learned Court below dated 20.03.2020 suggests that only charges have been framed but no witness has been examined till date, hence there is no likelihood of trial being concluded in near future, 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-XV, Muzaffarpur in connection with Gaighat P.S. Case No. 207 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 Additional Chief Judicial Magistrate-XV, Muzaffarpur in connection with Gaighat P.S. Case No. 207 of 2018.

The learned Court below will be at liberty to extend the further period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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