

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3613 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- AIRPORT District- Patna

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Pawan Kumar Singh, S/o Ramkrit Singh Resident of Village- and Post - Kori,
P.S.- Alinagar, Dist- Chandauli, State Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh
For the Opposite Party/s : Mr. J.N. Thakur, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 29-05-2020 The matter has been taken up through the virtual court proceeding.

Heard learned counsel for the petitioner and Mr. J.N Thakur, learned counsel for the State.

The present application has been filed for grant of bail in a case registered for the offences punishable under Sections 302 and 120B/34 of the IPC.

The prosecution case, as per the written report of Ajay Kumar Singh, submitted to the S.H.O. Hawayi Adda Police Station is to the effect that the daughter of the informant, Alka Singh was married with the petitioner Pawan Kumar Singh ten years prior to the lodging of the FIR. The daughter of the informant was in disturbed condition since the petitioner developed some intimacy with one lady, namely Dipa Singh,



which was being protested by the daughter of the informant, as a result, on 01.08.2019 when the children were not in the house, the petitioner and co-accused Dipa Singh throttled the daughter of the informant to death but in order to give the alleged incident a shape of suicide, U.D. Case No. 02 of 2019 was lodged at the behest of the petitioner.

Learned counsel for the petitioner submits that the marriage between the petitioner and the victim was performed more than 10 years prior to the occurrence, hence the accusation of demand of dowry appears to be unreasonable. There is no eye-witness to the alleged occurrence. It is further submitted that the victim committed suicide, as a result, U.D. Case No. 02 of 2019 was registered at the behest of the petitioner. The petitioner was not present in the house at the time of alleged occurrence. The informant was informed about the incident and he participated in the last rights of the victim, but subsequently he started demanding return of certain property/article of the victim and in the background of the said dispute, for the alleged occurrence of 01.08.2019, the FIR was lodged after 21 days i.e., on 22.08.2019. Moreover, after registration of the UD case, postmortem was conducted when the police did not find the case of murder, hence the present FIR is not maintainable in view of



the fact that UD case was not found false. The petitioner is languishing in custody since 27.08.2019. The investigation has already been concluded.

Learned counsel for the State submits that though the FIR has been lodged with inordinate delay, but there is specific accusation that the petitioner developed some intimacy with another lady. However, he admits that there is no eye-witness to the alleged occurrence.

Considering the delayed lodging of the FIR, investigation being already concluded and U.D. case being registered at the behest of the petitioner at the initial stage, 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 Judicial Magistrate, 1st Class, Patna in connection with Hawaii Adda P.S. Case No. 224 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 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 Judicial Magistrate, 1st Class, Patna in connection with Hawaii Adda P.S. Case No. 224 of 2019.

The learned Court below will be at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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