

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86839 of 2019**

Arising Out of PS. Case No.-214 Year-2018 Thana- ATHMALGOLA District- Patna

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Pankaj Sao Son of Sri Shambhu Sao Resident of Village-Nizampur, P.S-
Athmalgola, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. J.N.Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 22-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner, being the husband of the victim, is
languishing in custody since 05.11.2019 in a case registered for
the offences punishable under Sections 304B/34 of the Indian
Penal Code, hence, the prayer for bail has been made through
the present application.

The prosecution case, as per the written report of
Haricharan Sao, submitted to the Station House Officer,
Athmalgola P.S., is to the effect that daughter of the informant,
Pinki Devi was married with the petitioner, Pankaj Sao on



07.07.2014 but subsequent to the marriage, the torture was inflicted upon the daughter of the informant for non-fulfillment of further dowry demand of Rs.Five lakhs. On 06.09.2018, the informant came to know that his daughter has been done to death by all in-law persons including the petitioner.

It is submitted by learned counsel for the petitioner that after four years of the marriage, the demand of further dowry appears to be unreasonable and unbelievable. The postmortem report reflects no external or internal injury, even resisting injury on the body of the victim, the cause of death has not been ascertained and viscera has been preserved since the froth was coming out from the mouth of the victim. It is further submitted that investigation has been concluded without obtaining the viscera report and there is no likelihood of trial being concluded in near future as physical court is not functioning due to present pandemic, COVID-19.

Learned APP for the State submits that thrust of accusation is against the petitioner, who is husband of the victim.

Considering the fact that there is accusation of killing the daughter of the informant, accusation not being corroborated by medical opinion as no external or internal even



resisting injury has been found on the body of the victim, cause of death has not been ascertained and investigation being concluded without obtaining the viscera report, 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 Sub-divisional Judicial Magistrate, Barh, Patna in connection with Athmalgola P.S. Case No. 214 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 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 Sub-divisional Judicial Magistrate, Barh, Patna in connection with Athmalgola P.S. Case No. 214 of 2018.



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.

(Dinesh Kumar Singh, J)

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