

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.408 of 2020

Arising Out of PS. Case No.-145 Year-2019 Thana- AIRPORT District- Patna

PRAMOD KUMAR Son of Mannu Lal Resident of Khajpura West, P.S.-
Hawai Adda, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Pandey
For the Opposite Party/s	:	Mr.Upendra Kumar
For the Informant	:	Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner being the husband of the victim is languishing in jail since 6.6.2019 in a case registered for the offences punishable under Sections 498A and 304B of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case, as per the the fardbeyan of Narendra Ram, recorded by K.K. Majumdar, SHO, Hawai Adda Police Station, is to the effect that the informant got his daughter Priyanka married on 1.5.2019 with the petitioner, Pramod Kumar. Subsequently, it was conveyed to the informant that the



petitioner was demanding a motorcycle as dowry. On 5.6.2019 at 7.30 A.M., the informant received information that his daughter has fallen down from the roof. Thereafter, he reached and found that his daughter has committed suicide.

It is submitted by learned counsel for the petitioner that there is no doubt that within a month of the marriage, the victim has committed suicide but the accusation of demand of dowry has not been supported by the family members, like, uncle, brother and they all admitted that there was some hot exchange between the petitioner and the victim early in the morning on the day of occurrence and thereafter, she committed suicide by hanging herself. The investigation has already been concluded and there is no chance of the trial being commenced as the Court proceedings in the learned Court below are not functional in physical mode due to present pandemic Covid 19. The informant has retracted from his initial version and has filed a petition to that effect before the learned Court below.

Learned APP submits that the victim died within a month of her marriage and in the FIR, there is accusation of demand of dowry against the petitioner.

Mr. Anil Kumar, learned counsel for the informant submits that under influence of some mistaken notion, the FIR has been



lodged by the informant and he is not opposing the prayer of the petitioner for bail.

Though this is admitted position that immediately after marriage, the victim committed suicide but in view of the fact that the postmortem report does not reflect anything other than ligature mark on the body of the victim, the fact that investigation has already been concluded and there is no likelihood of the 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 J.M. Ist Class, Patna in connection with Hawai Adda P.S. Case No.145 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 of the like amount each to the satisfaction of the learned



J.M. Ist Class, Patna including one surety given at the time of provisional bail.

The learned Court below will be 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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