

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39372 of 2020

Arising Out of PS. Case No.-92 Year-2020 Thana- PAKRIDAYAL District- East Champaran

1. BHOLA PRASAD Son of Late LAKHAN BHAGAT Resident of Village - Majhar, P.S.- Pakridayal, Distt.- East Champaran.
2. Lalmuni Devi W/o Bhola Prasad Resident of Village - Majhar, P.S.- Pakridayal, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Earlier by order dated 26-10-2021, the prayer for grant of anticipatory bail of the petitioner No. 1 has already been dismissed as withdrawn.

Learned counsel for the petitioner No. 2 is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner No. 2 and the State through virtual mode.



The petitioner No. 2 is apprehending her arrest in Pakridayal P.S. Case No. 92 of 2020 registered under Sections-304B, 201/34 of the Indian Penal Code.

Allegation against the accused persons including the petitioner No. 2 is of committing torture and causing death of the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner No. 2 that she has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 2. The petitioner No. 2 is mother-in-law of the deceased. She is separate in mess and property from husband of the deceased. She has got no concern with the alleged occurrence. The husband of the deceased is in custody.

On behalf of the State, it is submitted that the petitioner No. 2 is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in



covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioner No. 2, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on her personal bond to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Pakridayal P.S. Case No. 92 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 2 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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