

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59980 of 2021

Arising Out of PS. Case No.-579 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

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Randhir Kumar Raushan Son of Late Braj Kishor Yadav @ Wokil Rai
Resident of Village - Dighi Khurd, P.S. - Sadar Hajipur, District - Vaishali.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Nikhil Singh, Advocate Mr. Shivam Singh, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 10-10-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Sumeet Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Hajipur Sadar P.S. Case No. 579 of 2020
registered for the offences punishable under Sections 304(B),
120(B), 201 and 34 of the Indian Penal Code.

The prosecution case is based on a written report of
the informant alleging therein that marriage of the daughter of
the informant was solemnized with the petitioner in the month
of February, 2017. It is further alleged that at the time of
marriage, huge amount of dowry and other valuables were



given. After sometime, both the husband and wife blessed with a child. It is also alleged that the daughter of the informant was subjected to torture on account of non fulfillment of demand of dowry. On 19.07.2019 the informant also transferred a sum of Rs. 3 lakhs in the account of her daughter on being pressurized by the accused person. It is further alleged that on 20.09.2020 at about 11:00 PM, the daughter of the informant had a talk with the wife of the informant and thereafter on 21.09.2020 in the morning, he received an information that she was done to death by all the accused persons including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner who happens to be unfortunate husband of the deceased had been made accused in this case without there being any materials available on record. Learned counsel drawn the attention of this Court towards Annexures P2, P3, P4 and P5 and on the strength, thereof, he submits that wife of the petitioner was having some complication visited her husband at Chennai during the peak of covid-19 in the month of August, 2020 where the petitioner was found to be covid-19 positive and he had been advised for home isolation. He further submits that the petitioner being found covid-19 positive made arrangement for returning of his wife and his child and



accordingly on 28.08.2020 the wife of the petitioner along with the child came down to Patna. He next submits that in fact at Patna, the wife of the petitioner also found suspected of suffering from Covid-19 positive and her treatment was started by a local doctor. She was also treated at Sadar Hospital, Hajipur but her condition did not improve and thereafter, she was taken to Patna for her better treatment, however, in the way she died on account of covid-19.

Learned counsel for the petitioner further drawn the attention of this Court towards the statement of the witnesses recorded during the course of investigation, especially the statement of Sarswati Devi, who is said to be maid of the house of the petitioner as well as one Sahdev Rai who is said to be relative of the petitioner who had informed the informant with regard to the death of the deceased. From the statement of the witnesses, it appears that the deceased was under treatment of covid-19 and in spite of information given to the informant, he did not even came for the cremation and the other witnesses have also supported the fact that the deceased died on account of covid-19. He lastly submits that the petitioner is a Railway employee in the State of Tamil Nadu and he is in custody since 23.09.2020 and now the charges have already been framed and



he is ready to give undertaking that he will fully co-operate in the trial till its conclusion.

On the other hand learned APP for the State vehemently opposes the bail application and submits that admittedly the marriage of the deceased was solemnized in the year 2017 and as such the death occurred within seven years of her marriage otherwise than under normal circumstances and it is shown that soon before her death she was subjected to cruelty and harassment by her husband in connection with demand of dowry and as such the complicity of the petitioner cannot be denied.

Learned counsel for the informant is present, however, he has not made any objection with regard to any of the submissions made on behalf of the learned counsel for the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record especially Annexures P2 to P5 suggesting the fact that the deceased was under treatment of covid-19, apart from the statement of witnesses, whose statements have been recorded in supplementary case diary and have categorically stated that the death has occurred on account of covid-19, let the petitioner,



named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali (Hajipur) in connection with Hajipur Sadar P.S. Case No. 579 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

(Harish Kumar, J)

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