

ITEM NO.17

Court 2 (Video Conferencing)

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.4769/2020

(Arising out of impugned final judgment and order dated 06-07-2020 in CRLM No. 21680/2020 passed by the High Court of Judicature at Patna)

BACHCHA PANDEY

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(FOR ADMISSION and I.R. and IA No.100252/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.100251/2020-EXEMPTION FROM FILING O.T.)

Date : 15-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. Vinod Kumar, Adv.
Mr. Braj Kishore Mishra, AOR
Mr. Abhishek Yadav, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

1. Heard the learned counsel appearing for the petitioner.
2. The materials placed on record indicate a shocking state of affairs. A First Information Report appears to have been registered as far back as on 02.02.1999 against the Petitioner and some of his relatives under Sections 304B, 201 and 34, IPC based on a complaint made by the brother of the deceased (wife of the Petitioner). A perusal of the records suggest that the Petitioner got married to

the deceased in 1993. The deceased was allegedly harassed continuously by the Petitioner and his family for dowry, and was even thrown out by the Petitioner and his family, after they took her jewellery. The deceased apparently started living with the Petitioner and his family again, consequent to an agreement prepared by the Petitioner in Court. It was alleged by the complainant that he was informed by unknown persons about the death of his sister, whose funeral ceremonies were being completed by the Petitioner and his family without informing the deceased's side of the family.

3. After nearly 10 years, a final report/charge-sheet was filed in the case against all the accused named in the FIR, including the Petitioner, on 30.09.2009. The final report notes that "*sufficient evidence has been made available for charge-sheet against all the accused named in the FIR*". Additionally, the order dated 14.02.2020, passed by the High Court while dismissing the Petitioner's anticipatory bail application, being Criminal Miscellaneous No. 64116 of 2019, notes that as per the case diary a "*very highly poisonous substance was detected in the viscera examination of the deceased*".

4. Despite the seriousness of the allegations, it is quite alarming that no actions were taken by the police against the Petitioner. After the elapse of more than 20 years since the incident and the registration of the FIR, the Petitioner was arrested in relation to the case only on 07.06.2020. Thereafter, the Petitioner filed a bail application before the Addl. District and Sessions Judge which was rejected on 12.06.2020. Being aggrieved, the Petitioner filed a bail application before the High Court, being Criminal Miscellaneous No. 21680 of 2020, which was dismissed vide impugned order dated 06.07.2020. The Petitioner is challenging the aforementioned order before us by way of the present Special Leave Petition.

5. Admittedly, the Petitioner is a Central Government employee working with Bharat Sanchar Nigam Limited. The flagrant delay in conducting the investigation and prosecution of the accused in connection with the serious crime involving the death of a young married woman is extremely troubling, and the reasons for the same are unclear.

6. In the above facts and circumstances, we are not inclined to interfere with the impugned order of the High Court, or to extend the benefit of bail to the Petitioner. His plea is therefore dismissed at this stage.

7. However, we consider it necessary to issue notice to the Director General of Police, Bihar as well as the Registrar General of the Patna High Court with a direction to them to place before us a report about the particulars of the present case, particularly with respect to the reasons behind such inordinate delay.

8. Ordered accordingly. List the matter after four weeks.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(RAJ RANI NEGI)
DY. REGISTRAR