

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22298 of 2020

Arising Out of PS. Case No.-320 Year-2019 Thana- MANIHARI District- Katihar

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Anwarul Haque, S/o Late Jalal, R/o- Baulia, P.S.- Manihari, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party : Mr. Ashfaque Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-08-2020 Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner has filed the present application under



Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Manihari P.S. Case No. 320 of 2019 registered under Sections 302 and 201 read with 34 of the Indian Penal Code.

It is contended that the petitioner is quite innocent and has been falsely implicated in this case. Admittedly, the victim was married to the petitioner ten years ago. There was no past complaint against the petitioner of causing cruelty upon the deceased. The deceased committed suicide and immediately the mother of the deceased was informed on telephone. The body was not disposed of and it was sent for postmortem examination. The doctor, who conducted the autopsy, opined that the cause of death was asphyxia due to hanging. It is further contended that apparently it is not a case of culpable homicide and there is complete lack of material against the petitioner that he abetted commission of suicide. Lastly, it is contended that the petitioner having no criminal antecedent is in custody since 02.08.2019.

Mr. Ashfaq Ahmad, learned Additional Public Prosecutor for the State has opposed the application for grant of bail to the petitioner. He contended that the informant has alleged in the first information report that the petitioner subjected the victim to cruelty in past. He contended that simply because no earlier complaint was made, it cannot be said that it is not a case of



abetment to commit suicide.

Be that as it may, considering the totality of the facts and circumstances of the case, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No.320 of 2019.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Sanjeev Kumar Singh, learned counsel for the petitioner also on his



email.

- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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