

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8952 of 2021**

Arising Out of PS. Case No.-88 Year-2020 Thana- TERHAGACHH District- Kishanganj

ANWAR ALAM @ MD. ANWAR ALAM Son of Akhlaque Rahman
Resident of Village - Village - Kastkhari, P.S. - Terhagachh, District -
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

4 26-07-2021 In view of sudden resurgence of COVID-19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the

learned APP for the State.

This Court would expect that the petitioner's Counsel

would honour his undertaking in the instant proceedings

regarding supply of requisite court fee etc. within two weeks

from the date he is called upon to do so by the office.

Petitioner seeks bail in Terhagachh P.S. Case No.88 of

2020 registered under Sections 302, 201/34 of the IPC.



The prosecution alleges that the petitioner has taken away the informant's daughter and has killed her at his home along with his mother, sister, brother and other family members. The dead body has thereafter been thrown and intimation regarding the killing and throwing of the body at Teliya Khandha given to the informant.

Learned counsel for the petitioner submits that the prosecution story as narrated in the FIR is highly improbable. The allegation is that the petitioner has taken away the informant's daughter at 04.00 a.m. on 13.09.2020. No FIR has been lodged thereafter. In the morning, later on 13.09.2020 they have gone to the petitioner's house and found the victim there and the petitioner and his family members stated about killing her, still no intimation has been given to the police. On 14.09.2020 after alleged recovery of the body from a place, which, it cannot be believed has been disclosed by the petitioner and his family members. The learned counsel for the petitioner submits that the aforesaid prosecution case is palpably false and highly improbable. In fact there was a love affair between the victim and the petitioner and apparently it is a case of honour killing. The petitioner has surrendered in the court below on 16.09.2020, very next day after lodging of the FIR. All his



family members have allegedly killed the victim whereas the cause of death as per the inquest and postmortem report is due to asphyxia on account of throttling. It is not a case where multiple injuries have been found on the victim. The petitioner also has no criminal antecedent. The relatives of the victim have only supported the prosecution case.

Learned APP has opposed the prayer and has submitted that in paragraph 35 and 36, witnesses have supported the prosecution case.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Kishanganj in Terhagachh P.S. Case No.88 of 2020 , subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash Narayan /-

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