

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11764 of 2023

Arising Out of PS. Case No.-186 Year-2019 Thana- DHAKA District- East Champaran

ANWARUL HAQUE, Son of Sheikh Soyeb @ Ganaur @ Soyeb Alam,
Resident of Village - Sorpaniya, P.S.- Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-05-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner (husband of the deceased) seeks bail in connection with S.Tr. No. 207 of 2021 arising out of Dhaka (Pachpakadi) P.S. Case No. 186 of 2019 registered for the offence punishable under Sections 304B and 34 of the Indian Penal Code.

The prosecution case is that the informant's daughter was being tortured for dowry by her in-laws. She has been strangled and set ablaze by her husband, father-in-law and mother-in-law.

The petitioner has renewed his prayer for bail for the 4th time. Prayer for bail was rejected earlier on 21.06.2021 in Cr. Misc. No. 857 of 2021, thereafter on 13.04.2022 in Cr. Misc. No. 8377 of 2022 and disposed of on 04.01.2023 in Cr. Misc. No. 73101 of 2022, so as to enable the petitioner to move the learned trial court for grant



of bail.

In between the 2nd rejection of prayer for bail on 13.04.2022 and 19.01.2023, i.e. the date on which the learned 21st Additional Sessions Judge, East Champaran, Motihari has again rejected the petitioner's prayer for bail, only two witnesses have been examined and there is no progress at the trial whatsoever.

The petitioner's prayer for bail has earlier been rejected by this court on considerations of merits.

In the circumstances, learned counsel for the petitioner submits that the rejection may be viewed by this court keeping in background the long period of petitioner's custody which, since 08.06.2019, by now is nearly 4 years. It is also submitted that the petitioner has got clean antecedents.

Learned APP for the State, however, has opposed the prayer for bail. It is submitted that having regard to the nature of allegations and the injuries sustained by the deceased (wife of the petitioner), this Court has already rejected the petitioner's prayer on merits.

In view of the rival submissions, having regard to the fact that there is no progress at the trial whatsoever and that petitioner, having no criminal antecedents, has remained in custody for nearly 4 years, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by learned counsel for the petitioner.



Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/– (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 21st Additional Sessions Judge, East Champaran, Motihari, in connection with S.Tr. No. 207 of 2021 arising out of Dhaka (Pachpakadi) P.S. Case No. 186 of 2019, 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 furnish an undertaking in the Court below of ensuring his appearance on a day to day basis and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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