

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60201 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- CHORAUT District- Sitamarhi

MD. ANWARUL HAQUE S/O ABDUL RAB CHOUDHARY Resident of
village- Mosidha, P.S.- Chorout, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ashar Mustafa, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-05-2023 Heard Mr. Uday Kumar learned counsel appearing
on behalf of the petitioner and Mr. Ashar Mustafa, learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection
with Chorout P.S. Case No. 88 of 2022, dated 08.05.2022,
registered under Sections 304(B), 201, 34 of the Indian Penal
Code.

As per allegation made, the petitioner along with his
family members had subjected the informant's daughter for non-
fulfillment of dowry and thereafter the daughter of the
informant died.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent. He had taken all
measures to bring his wife, who is suffering from brain tumour.



The informant, who is the father of the deceased, due to reason best known to him, filed the F.I.R. on some imaginary allegation, which are not proved.

Learned counsel further submits that he has brought on record the medical certificate duly granted by the D.M.C.H., Darbhanga, which also confirms the fact that the deceased was treated for brain tumour.

Learned counsel further submits that he has received information from the petitioner that so far as the allegation made in the F.I.R., that the petitioner has also subjected torture of two children is incorrect. He has willingly shown his concern. He will open a Bank Account in the name of individual child. If the Maternal Grandfather of the children is ready to give his consent, otherwise he has no objection. In case the Maternal Grandfather opens an account in the name of the children, the petitioner is ready to deposit Rs. 4,000/- (four thousand) per month in the separate account of both the children each month.

Mr. Ashar Mustafa, learned counsel appearing on behalf of opposite party no.2 is also of the opinion that now the only concern of the informant is that both the children should be given good education.

Submissions made by the rival parties and also taking



into consideration and interest of both children, this Court is of the opinion that the above named petitioner, be released on pre arrest bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in connection with Chorout P.S. Case No. 88 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with condition that he will file an affidavit bringing on record the deposit made in the individual account of the two children, which can be open either by the informant or by the petitioner.

The petitioner must also make a clear cut statement that he will take care of both the children and ensure proper education by admitting them in a good Boarding School.

(Purnendu Singh, J)

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