

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38488 of 2020**

Arising Out of PS. Case No.-44 Year-2020 Thana- FESHAR District- Aurangabad

SONU KUMAR son of Late Awadhesh Singh Resident of Village- Beli, P.S.-
Fesar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 17-12-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Amitesh Kumar, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Fesar P.S. Case No.44 of 2020 registered
for the offences punishable under Sections 341, 323, 302, 328,
120B and 498A/34 of the Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act. He is said to be the younger brother
of the husband of the deceased.

Earlier while calling for the case diary, the learned
coordinate Bench of this Court has been pleased to call for the



F.S.L. report from the Director, Forensic Science Laboratory, Patna. A copy of the report is placed on the record. It appears that from the plastic jar marked 'A' no Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison could be detected.

In a sealed bag a report has been sent and as per direction of this Court the Bench Officer has opened it in virtual presence of learned counsel for the petitioner and learned APP for the State. A sealed envelope has been found inside the bag and from the said envelope the same report copy of which is already available on the record has been taken out.

Learned counsel for the petitioner submits that this petitioner is a student pursuing his study at Ranchi and as per the First Information Report general and omnibus allegations have been made that the husband, his brother, sister, mother and father all have assaulted the deceased and forcibly administered her poison. The F.S.L. report falsifies the allegation.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner, but considering that this petitioner happens to be the younger brother-in-law of the deceased, the marriage between the brother of this petitioner and the deceased was solemnized in the year 2006 i.e. about 14 years ago from the date of occurrence and the allegation of



administering poison is not getting corroborated from the F.S.L. report, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Fesar P.S. Case No.44 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

