

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17832 of 2021**

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

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DHANANJAY KUMAR SINGH @ DHANJAY KUMAR S/o Late Awadhesh
Singh R/o village- Beli, P.S.- Fesar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 02-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Fesar P.S.Case No.44 of 2020, registered for the offence under Sections 341,323,302,328,120B,498A and 34 of IPC and Section 3/4 of D.P.Act.

The prosecution case, in short, is that the informant in his fardbyan has alleged that his sister deceased was married in 2006 with one Dhananjay Kumar. After some time she was being tortured for dowry. Her Nanad Renu Devi, Renu Devi's husband Uday Kumar, Dewar Pawanjay Kumar, the petitioner,



mother-in-law, began to instigate the husband and again she was being tortured. His sister did not have children and she called on his mobile from his sister her. On 12.05.2020 the informant was informed that his sister to save is admitted in Sadar hospital, Aurangabad, from where she was referred to higher centre. The informant arrived at the clinic of Dr. Rajendra Prasad where she was critical. They took her to Banaras but she became further ill and was admitted at NMCH where in course of treatment she died. It is the claim of the informant that husband of the deceased alongwith other family members administered her poison under a planned conspiracy which resulted into her death.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the ground that the petitioner happens to be the husband of the deceased. He further submits that as per allegation the petitioner and other family members administering poison to the deceased. He further submits that in fact the deceased was depressed because she was issueless and she has several times tried to commit suicide. He further submits that the co-accused, namely, Sonu Kumar has been granted privilege of anticipatory bail vide order dated



17.12.2021 in Cr. Misc. No.38488 of 2020 by a Coordinate Bench of this Hon'ble Court. Petitioner is in custody since 14.05.2020.

In that case, FSL Report was called for. FSL Report does not corroborate the allegation.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, 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 learned C.J.M., Aurangabad in connection with Fesar P.S.Case No.44 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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