

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21774 of 2023**

Arising Out of PS. Case No.-87 Year-2020 Thana- BELAGANJ District- Gaya

ANAND KUMAR @ ANAND VISHWAKARMA S/O Dinesh Vishwakarma  
R/O Kali Asthan Korma, Hargawan, P.S- Belaganj, Distt.- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Avinash Shekhar, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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

- 4      29-08-2023                      1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 12.04.2020 seeks bail, in connection with Belaganj P.S. Case No.87/2020, dated 23.03.2020, for the offences punishable under Sections 341, 323, 326, 307, 498A, 34 of the IPC, Section 3/4 of D.P. Act. Later on Sections 304B and 34 of the IPC were added.
3. According to prosecution case, the petitioner along with other accused persons have committed murder of the daughter of the informant due to non-fulfillment of the demand of dowry.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that it has come during investigation in paragraph-7 of the case diary that the victim has opened the door in presence of independent witnesses and the husband, the victim has fallen upon the petitioner in burnt condition and the petitioner has tried to save her and due to which he sustained 42 to 44 percent burn injury and apart from the aforesaid the date of alleged occurrence is 17.03.2020 but the present F.I.R. has been instituted on 23.03.2022 after delay of six days without giving any explanation of delay. He further submits that so far dying declaration of the deceased is concerned, the same is not before the doctor of the concerned hospital and as per dying declaration the petitioner and mother of the petitioner, who happens to be the mother-in-law of the deceased have set fire the victim but the mother of the petitioner, who happens to be the mother-in-law of the deceased has been granted anticipatory bail vide order dated 17.01.2022 passed in Cr. Misc. No.23206/2021 and father of the petitioner, who happens to be the father-in-law of the deceased has been granted bail by this Court vide order dated 11.05.2022 passed in Cr. Misc.



No.23773/2021 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.04.2020.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner supported by the dying declaration of the deceased.

6. Considering the aforesaid facts and circumstances, 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 A.C.J.M.- XIII, Gaya in connection with Belaganj P.S. Case No.87/2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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