

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14485 of 2014

Arising Out of PS.Case No. -35 Year- 2013 Thana -MARHAURA District- SARAN

Satrughan Rai Son Of Raghu Nath Rai Resident Of Village Awari, Police Station- Marhowrah, District- Saran.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary

For the Opposite Party/s : Mrs. Gulnar Begum (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 22-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

Earlier case diary of the present case was called for, which has since been received.

The petitioner apprehends his arrest in connection with Morhowrah P.S. Case No. 35 of 2013 registered for the offences punishable under Sections 306, 406, 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that admittedly, in the present case the deceased committed suicide leaving behind a suicide notes. It is further submitted that the allegations against the petitioner is that he had been in partnership business with the deceased in which the cash credit was obtained by the deceased from the bank with the petitioner, as a guarantor. It is further submitted by learned counsel for the petitioner that the



deceased having taken loan, part of the same was deposited with the bank by the petitioner, which stands substantiated by Annexure-3 which is an information obtained by the petitioner from the bank under the Right to Information Act. On perusal of the Annexure-3, it appears that on different dates in the year, 2012 between the month February and September, the petitioner had deposited about a total amount of Rs. 16 lacs in the account of the deceased. It is further submitted that he was in the partnership business of the wine shop alongwith the deceased and initially, the business picked up market but later on, the business dwindled and ultimately the business reached down to the loss. It is further submitted that so far as brick kiln business is concerned, the petitioner had no concern. Even in the suicide notes purported to have been written by the deceased, the blame for the said business has been placed on the shoulders of the uncle of the deceased and not on this petitioner. It is further submitted that petitioner has got no criminal antecedents, may be the facts and circumstances of the case, the petitioner shall cooperate in the investigation and also in the trial as and when required.

So far as suicide note is concerned, learned counsel for the petitioner submits that in view of subsequent declaration made by the wife that she does not recognize the

handwriting of the deceased (her husband), the said suicide notes becomes questionable, which of-course can alone be proved during the course of the trial.

Considering the facts and circumstances of the case and also in view of the fact in the case diary, there is no independent witness to support the prosecution case, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 35 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Anjana Mishra, J)

Jagdish/-

U		T	
---	--	---	--