

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19092 of 2020**

Arising Out of PS. Case No.-57 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

KISHORE KUMAR SINGH Son of Late Anil Kumar Singh Resident of
Mohalla-Mirchaibari, (Nayatola), Police Station-Sahayak, District-Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.

For the Opposite Party/s : Mr. Manish Kumar No.2, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

4 27-05-2020 Heard Mr. N.K.Agrawal, learned senior counsel

appearing on behalf of the petitioner, learned counsel appearing
on behalf of the informant and Mr. Manish Kumar No.2, learned
A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in Mufassil P.S.
Case No.57 of 2020 registered under Section 306, 120B and 34
of the Indian Penal Code.

The informant, brother of the deceased, disclosed in
his statement that he had come to know that his brother, wife of
his brother and their son were found lying dead in the house of
Pramod Kumar Yadav where they were living on rent. A suicide
note was also found inside the house. The suicide note contains
the entire reasons for the murder/suicide of his brother, his wife
and son on the basis of which the police registered the case



against unknown.

Mr. N.K.Agrawal, learned senior counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has in fact committed no offence. Lending of money is not an offence. Even from perusal of entire suicide note, no specific allegation is made against the petitioner. The father, brother, father-in-law, brother-in-law and other relatives of the deceased made their statements and they all only suspected that petitioner used to torture the deceased. Consequently, Manish Kumar, Mona Jha poisoned their son to death and thereafter they committed suicide. It is further submitted that there is absolutely no evidence against the petitioner.

On the contrary, learned counsel for the informant as well as learned counsel for the State vehemently opposed the prayer for grant of anticipatory bail of the petitioner and submit that petitioner is an Advocate. He is Special P.P. of POCSO in District Court, Katihar. The petitioner used to lend money and realized exorbitant amount. When the deceased failed to pay the interest or the principal amount, even after selling his land, the petitioner and others, named in the so called suicide note, subjected the deceased to all sorts of torture and humiliation even in full public view. The petitioner is also President of



Legal Cell of J.D.(U), Katihar and on account of such influence, the police made perfunctory investigation in order to destroy the evidence and save the skin of the petitioner from the murder of three persons. It is submitted that petitioner does not deserve anticipatory bail.

Perused the F.I.R. and the case diary. The informant of course disclosed that he came to the police officer after having received the information of death of his brother, wife of his brother and their son in which the names of the persons who subjected his brother and his wife to all sorts of torture and humiliation were mentioned. The suicide note was also handed over to the police but the police registered the case against unknown. From perusal of the inquest report, it appears that the hands of Manish Kumar and his wife were firstly brought behind and were tied. When their dead bodies were recovered, this fact itself shows that once the hands of a person were tied after bringing the same behind, the same person cannot get himself hanged in the ceiling for committing suicide. The minor son of the deceased aged about five years is said to have been poisoned but no external or internal injury was found on the minor. The police even then did not conduct any scientific investigation and took evidence of the relatives of the deceased



who invariably in their evidences disclosed that the petitioner lend money to run the business and thereafter the petitioner and others forcefully took signatures of the deceased on blank papers and also got blank cheques duly signed by the deceased. It has come that the petitioner and others were subjecting the deceased to all sorts of torture before the death of the deceased. The case relates to the suicide/killing of three persons including a minor boy aged about five years.

Taking into consideration the facts aforesaid and seriousness of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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