

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27278 of 2020**

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

MANOJ KUMAR @ MANOJ KUMAR YADAV Son of Late Brihaspati
Yadav Resident of Village - Barmasia, Mirchaibari, P.S. - Katihar Sahayak,
District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Senior Advocate Mr.Pravin Kumar, Advocate
For the State	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr.Arun Kumar Mandal, Advocate

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

6 02-12-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Katihar Muffasil P.S. Case No. 57 of
2020 registered for the offence punishable under Sections 306,
120B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
First Information Report has been lodged by one Ranjit Kumar
Jha who is the younger brother of the deceased Manish Kumar
Jha. From the FIR it would appear that said Manish Kumar Jha
along with his wife Mona Jha and son Samrat had committed
suicide and deceased committing suicide had left written note .
In this written note he had alleged that for his business purposes



he had been taking loan from several persons in the market, his business failed, to some extent he repaid the loan but later on when he was unable to pay the loan amount to the creditors, he was being abused and assaulted.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, he happens to be the owner of the property in which the shop premises was taken on rent by the deceased for running a showroom of Samsung company. In his suicide note Manish Kumar Jha had admitted that he had started the said Samsung shop together with his cousin brother but later on his brother parted way and while there was a division of shares between the two, he had sought help from this petitioner financially. In this suicide note he has further narrated that this petitioner was always helping him by providing financial support as and when required and the deceased was returning him the money whenever he was in a position to return and apart from taking financial help from this petitioner the deceased had taken loan from several persons in the market.

He has further stated that while taking financial support he was made to sign on blank stamp papers and then blank cheques were being issued by him. It is alleged that while he had returned some of the loan amount the creditors were



trying to misuse the signed stamp papers and cheques issued by him.

It is further submitted that in course of investigation the statement of his brother Adityanath Jha has been recorded. His brother has claimed that on 23.02.2020 he had a talk with the deceased Manish Kumar Jha who had narrated him how he was facing the wrath of the creditors. It has also come in course of investigation that on one occasion one of the creditors, namely, Kishore Kumar Singh had snatched the scooty of the deceased and had given him slaps, later on the said scooty was returned.

It is then submitted that so far as this petitioner is concerned there is no specific allegation against him that he had ever beaten/assaulted the deceased though it has come in course of investigation that this petitioner was also demanding his money over telephone and then it is alleged that the petitioner had sometimes back abused the deceased and his wife over mobile phone, however, these facts are not supported by any independent materials in the case diary.

Learned counsel for the petitioner submits that in the case diary there are statement of some independent witnesses also who have narrated that the financial condition of the deceased had gone from bad to worse over the period because of



the loss in his different kind of business which he ventured to. It has also come in course of investigation that to get rid of his bank loans and to refund the money which he had taken from the several creditors in the market, he had to sell his land for which there have been a partition in the family but a dispute broke out over a sum of Rs.80 lakhs and then the deceased was made to go out of his house. At the time of his death he was residing on rent in the house of the brother of this petitioner. It is submitted that the petitioner is in jail since 21.04.2020, he has no criminal antecedent and if released on bail he is ready to abide by terms and conditions which may be imposed upon him for the purpose of bail.

Mr. Akhileshwar Dayal, learned APP for the State who had earlier received the case diary has assisted this Court. Mr. Dayal has taken this Court through the statement of the independent witnesses in paragraph '191' and paragraph '204' of the case diary. He has also read out paragraph '148' and '152'. Mr. Dayal has informed this Court that the independent witness particularly one Santosh Kumar Jha in paragraph '204' has stated that he was running his mess business when this petitioner had also ventured in the said business and he was talking very closely to this witness. The independent witnesses



including Mr. Santosh Kumar Jha are said to have stated to the investigating officer that the deceased had disclosed about the loss suffered by him in business and the dispute which had taken place in course of partition over Rs.80 lakhs and then a general statement has come that the creditors were putting pressure upon the deceased to pay all the dues. In the case diary there is, however, no statement that at any point of time this petitioner was seen abusing or assaulting the deceased or his wife or son.

Learned counsel for the informant has opposed the prayer for regular bail of the petitioner. He has read out paragraph '9' of the suicide note and has submitted that at one place it has come that this petitioner had abused the wife of the deceased and the deceased over mobile phone. Learned counsel for the informant, however, does not point out that in course of investigation any material has come saying that the petitioner was seen abusing or assaulting deceased or his family members. Learned counsel for the informant has also submitted that now investigation is complete and the case has been committed.

Having regard to the facts and circumstances of the case in which this Court has noticed that in fact the suicide note is the basic document on which learned counsel for the petitioner as well as learned counsel for the informant have placed reliance. The said suicide note says that this petitioner was always



helping the deceased in running his business and on several occasions he had been financially supporting the deceased. It is said to have been stated in the suicide note that he had taken loan from him and from amongst several creditors he had named three of them and the name of this petitioner finds place among the name of the creditors. This Court has also noticed that so far as question of demoralizing the deceased in public is concerned, the allegation has been specifically made only against one of the co-accused who had allegedly snatched scooty of the deceased and had given him a slap. So far as this petitioner is concerned, there is no such allegation against him that he was ever seen in public abusing or assaulting the deceased, his wife or his son. There are other kinds of general allegations and some emotional statements regarding how the deceased experienced in life from people who had been providing him money at one stage and later on the same persons were treating him differently when the deceased was not able to return the amount. There is also no specific allegation that this petitioner had misused any stamp paper or cheques, if any, issued by the deceased and the independent witnesses statements are saying that the deceased had in fact dispute in his own family also in course of partition



over Rs.80 lakhs. It has also come in investigation that after the Samsung business started by the deceased failed he had vacated the premises of the petitioner, therefore, that is also not a reason for this petitioner to be involved in the present case.

In the given facts and circumstances of the case where chargesheet has already been submitted under Section 306 IPC and it is not the submission of the State that release of the petitioner at this stage is in any way likely to result in tampering with the evidence or in interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with Katihar Muffasil P.S. Case No. 57 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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.

The application is allowed.

(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'.

