

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34822 of 2020

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

Bambam Acharya @ Bikas Kumar Anand, aged about 38 years, Male, son of late Rajendra Prasad Acharya, resident of Mohalla- Tezatola, P.S.- Sahayak, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 253 of 2021

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

Lalan Kumar Singh @ Pintu Singh, aged about 43 years, Male, son of Jay Prakash Singh, resident of Mohalla- Indrapuri, P.S.- Sahayak, District- Katihar.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

(In Criminal Miscellaneous No. 34822 of 2020)

For the Petitioner	:	Mr. Vinay Ranjan, Advocate
For the State	:	Mr. Md. Matloob Rab, APP
For the Informant	:	Arun Kumar Mandal, Advocate

(In Criminal Miscellaneous No. 253 of 2021)

For the Petitioner/s	:	Mr. Vinay Ranjan
For the State	:	Mr. Jharkhand Upadhyay, APP
For the Informant	:	Mr. Arun Kumar Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 28-10-2021 Heard learned counsel for the petitioners and learned APP for the State assisted by learned counsel for the informant.

The petitioners apprehend their arrest in connection with Mufassil P.S. Case No. 57 of 2020 registered for the offences under Sections 306, 120-B and 34 of the Indian Penal



Code.

The informant, who is the brother of the deceased, gave statement before the Police that his brother, brother's wife and their four years old minor child were lying dead in the rented house where they were living. A suicide note was also found there. The suicide note vividly describes the reasons for which the entire family committed suicide. From reading of the suicide note, which has been quoted in the case diary, it is clear that the family of the deceased were tortured by various persons.

The prayer of anticipatory bail of similarly situated co-accused namely, Kishore Kumar Singh, has been rejected by a coordinate Bench of this Court vide order dated 27.05.2020 passed in Criminal Miscellaneous No.19092 of 2020. Co-accused Lalan Kumar Singh @ Pintu and Kishore Kumar Singh have moved before this Court for quashing of the warrant of arrest issued against them by filing Criminal Miscellaneous No.24550 of 2020 and Criminal Miscellaneous No.24626 of 2020 respectively but, the same have been dismissed by a coordinate Bench of this Court vide order dated 18.05.2021.

Further, the inquest report reveals that the hands of the two deceased i.e. husband and wife were tied from behind. Though it has been submitted by learned counsel for the parties



that charge-sheet against co-accused Manoj Kumar has been submitted under Section 306 of the Indian Penal Code and investigation against rest of the accused persons are pending but, in the Court's opinion, this may not be a case of under Section 306 of the Indian Penal Code.

In these circumstances, where the entire family of three persons has been killed, the petitioners do not deserve anticipatory bail and accordingly, these bail petitions are dismissed.

It is surprising that the Police is proceeding in such a manner as if it is a case of suicide whereas, the hands of two deceased were tied from behind. This aspect of the matter needs proper investigation. Any criminal case registered should be fairly investigated by the Police but it seems that the Police is doing shoddy investigation. This Court cannot shut its eyes from this aspect of the matter where the entire family including a minor child of four years have been killed and the investigation is not being done properly by the Police. In the opinion of the Court, this case requires investigation by a Special Investigation Team (SIT) and investigation of this case should be done under the supervision of a senior and able officer so that justice is done.



People in the Seemanchal area are running Goonda banks and they advance loan at a very high interest rate and they extort from gullible persons, who have taken loan for various reasons. In my opinion, investigation of this case should be supervised by Dr. Kamal Kishore Singh, Additional Director General of Police, Bihar. Hence, Dr. Kamal Kishore Singh, Additional Director General of Police is directed to take over supervision of this case forthwith and he shall be free to constitute his own team. The Police officers of Bihar will extend all cooperation in the investigation and supervision of this case by the SIT.

Apart from looking into the role of the named accused persons of this case, the SIT will also look into the role of other brothers and family members of the deceased as it has come during investigation that the deceased had to leave his house because his share in the sale proceeds of Rs.80,00,000/- from the sale of land was not shared with the deceased.

At the moment, this Court is not giving any direction for arrest of these petitioners as the matter shall be investigated by the SIT as per the direction of this Court and thereafter, it is the SIT which will take decision with regard to arrest of the accused persons.



A preliminary report of the SIT should be submitted to this Court on 01.12.2021 by the Additional Director General of Police, Bihar himself.

A copy of this order be sent to the Director General of Police, Bihar, as well as Superintendent of Police, Katihar through FAX.

(Sandeep Kumar, J)

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