

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19890 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- SIKARPUR District- West Champaran

NANKU TIWARY @ SATENDRA TIWARY @ RAJESH TIWARY @
RAJESH KUMAR TIWARY S/o Late Lalan Tiwary Resident of Sugauli, P.S.-
Shikarpur, Districtd- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19892 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- SIKARPUR District- West Champaran

1. ABDULLAH ANSARI S/o Late Khuni Mukhtar Resident of Maldahia, P.S.-
Shikarpur, District- West Champaran
2. Saddam Ansari S/o Abdullah Ansari Resident of Maldahia, P.S.- Shikarpur,
District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19890 of 2022)

For the Petitioner/s : Mr.Anang Mohan Sinha

For the Opposite Party/s : Mr.Mukesh Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 19892 of 2022)

For the Petitioner/s : Mr.Anang Mohan Sinha

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioners apprehending their arrest in connection
with Shikarpur P.S. Case no. 100 of 2021 instituted for the



offence punishable under Sections 302/34 of the Indian Penal Code.

As per allegation in the FIR, all the named accused persons including the petitioner along with three unknown persons came to the house of the informant and started pressurizing his father for money to which he had borrowed earlier. When his father protested, they killed his father by pressing his neck and hanged him with fan and lock the room from outside. In the evening, where her mother came to light up the room, she saw her husband was hanging. Upon which she raised alarm and thereafter villagers gathered there and then the present FIR.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Father of the informant had taken huge loan from different people and under pressure, he committed suicide, after leaving a suicide note, about which in para 25 of the case diary, the same is mentioned. It is a clear cut case of suicide, which is supported by the suicide note, which is a part of the FIR, so the case comes under the purview of Section 306 IPC. There is no eye witness to the occurrence. After prevailing good sense between the parties, the matter has been compromised and



compromise petition is annexed as annexure-5 of the supplementary affidavit.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that as per postmortem report, cause of death is due to asphyxia, mentioned in para 17 of the case diary.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Shikarpur P.S. Case no. 100 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, West Champaran at Bettiah subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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