

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28983 of 2022**

Arising Out of PS. Case No.-211 Year-2021 Thana- FORBESGANJ District- Araria

Vijay Kumar Mishra @ Vijay Mishra @ Bijay Kumar Mishra S/o Umanath
Mishra R/o village- Palas Mani, P.S.- Sonamani Godown (Kursakanta),
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate
Mr. Ravi Bhardwaj, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Forbesganj P.S. Case No. 211 of 2021 registered for the alleged offences under Sections 306/34 of the Indian Penal Code.

As per the prosecution case, the son of the informant committed suicide leaving behind a suicide note wherein he named the petitioner and the co-accused as persons who compelled him to take the extreme step by their torture and



threats.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and both sides are agates and there is bad blood between them. The whole case is based on the suicide note of the son of the informant, but its authenticity has not been verified. From its tone and tenor, it appears to have been written after the suicide of the son of the informant. Even on the facts as mentioned in the note, there is nothing against this petitioner which might be taken as something to compel the son of the informant to commit suicide. There is nothing specific against this petitioner and there is no details about threats and torture. Furthermore, there is no other independent witnesses to corroborate the claim of the informant. No evidence of torture or threat came up during investigation which might suggest the involvement of the petitioner in the alleged occurrence. The petitioner is in custody since 10.03.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the victim named the petitioner and other co-accused persons in his suicide note, who compelled him to commit suicide by their torture and threat.

Having regard to the submissions made on behalf



of the parties and considering the general and vague allegation against the petitioner without any specific overt act attributed to him and lack of material against the petitioner on record and considering the probability of false implication, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 211 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Uma Nath Mishra, father of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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