

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35281 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- SIKARPUR District- West Champaran

BHARAT SAH @ BHARTI GUPTA SON OF DEENDAYAL SAH @
KALDEO GUPTA RESIDENT OF VILLAGE/MOHALLA- PURANI
BAZAR, WARD NO.2, P.S.- SHIKARPUR, DISTRICT- WEST-
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37923 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- SIKARPUR District- West Champaran

AJAY JAISWAL@AJAY KUMAR S/O GOPAL JAISWAL Resident of
village- Purani Bazar, Ward No.- 01, Narkatiaganj, P.S.- Shikarpur, District-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35281 of 2022)

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Lalan Kumar, APP
Mr.Prashant Kumar, Adv.
Mr.Manaur Alam, Adv.

(In CRIMINAL MISCELLANEOUS No. 37923 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Shantanu Kumar, APP
Mr.Prashant Kumar, Adv.
Mr.Manaur Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in a case registered



for the offence punishable u/s 306/34 of the IPC.

Prosecution case in short is that husband of the informant was running a shop and to maintain the livelihood, he took loan of Rs.1,12,000/- on interest from all the accused persons including the petitioners. Thereafter, her husband returned the said amount with interest to the accused but they still used to torture the informant's husband and due to their pressure, her husband closed the shop and preferred to remain in house, where also, the accused persons used to come and abuse him. It is alleged that due to the fear of accused persons, husband of the informant committed suicide by hanging.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to enmity. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. From the suicidal note of the informant's husband, it is clear that he took loan of Rs.1,12,000/- from the accused persons which was returned with interest but the accused persons still used to abuse him and his family members and also threatened to kill him. It is submitted that the suicidal note of the deceased does not



disclose the name of any of the accused persons nor it was found that deceased committed suicide on being tortured by the accused persons. The police instituted the F.I.R. u/s 306/34 of the IPC. Petitioners have one criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Shikarpur P.S. Case No.366 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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