

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40564 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- KHAGAUL District- Patna

Saroj Kumar Son of Late Surendra Prasad Resident of - House No.- 29PGS
More Khagaul Road, Danapur Cant, P.S.- Khagaul, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Sri. P.K. Shahi, Sr. Advocate
	:	Mr. Siddhartha Prasad, Advocate
	:	Mr. Kumar Kislay, Advocate
	:	Mr. Om Prakash Kumar, Advocate
	:	Mr. Sunit Kumar, Advocate
For the State	:	Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-08-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khagaul
P.S. Case No. 135 of 2022 registered for the offence under
Sections 341, 323, 506, 306, 511, 379, 34 and 120B of the
Indian Penal Code, 1860.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.05.2022.

The allegation against the petitioner is to
instigate/abet causing suicide of the son of the informant.



Learned senior counsel, Sri P.K. Shahi appearing on behalf of the petitioner submitted that from bare perusal of the F.I.R., it is sufficient to gather that the essential ingredient as to constitute the offence u/s 306 of the I.P.C., i.e., instigation/abetment is lacking in the present case. It is submitted that, it is purely office dispute, arises out of financial transactions and if the face of F.I.R. is taken into consideration, it was the deceased, who was under obligation to deposit Rs.15,000/- (Rupees Fifteen Thousand) with company. It is also submitted that informant is not the eye witness of the occurrence. Learned senior counsel, while travelling over the argument, relied upon decision of the Hon'ble Apex Court, in the matter of *M. Arjunan vs. The State (Rep. by its Inspector of Police) as reported in 2019 (3) SCC 315*. It is further submitted that nothing surfaced during the course of investigation, which may suggest that act of the petitioner is active or direct, resulting in suicide of deceased. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while



opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence, where alleged instigation/abetment is based upon official dispute, as regard to deposit of cash collected by deceased, as per F.I.R.

In view of the facts and circumstances, as mentioned above, as there is nothing to suggest on its face, which may connect, *prima facie*, the petitioner, as regard to instigation/abetment, causing suicide by the son of the informant coupled with the fact that dispute arises out of office business, let the petitioner, above named, is directed to be released on bail in connection with Khagaul P.S. Case No. 135 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Danapur, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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