

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10617 of 2023

Arising Out of PS. Case No.-885 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Anupam Kumar @ Anupam Kumar Tiwari, Son of Mrityunjay Tiwari, Resident of village - Chanua, P.S.- Shikarpur, District - West Champaran
 2. Rajesh Kumar, Son of Lakshman Rai, Resident of village - Dhanaiya, Hazratpur, P.S.- Sahabganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mrs. Vaishnawi Singh, Advocate Mr. Sanjeet Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Sadar P.S. Case No. 885 of 2022, registered for the alleged offence under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, allegedly four persons including these two petitioners called out the brother of the informant and while they were talking with each other, some hot exchange of words took place and apparently the brother of the informant fell down from the second floor and received injuries.



The petitioners and other co-accused persons fled away from the spot and the brother of the informant was taken to the hospital, who subsequently died. The petitioners are stated to be the employees of some banking institution and it is further stated that the mother of the deceased had taken some loan from the banking institution and the petitioner and other co-accused persons went to the house of the informant for realization of the loan amount.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is a case of simple accident which has been given the colour of murder. From the FIR, it is apparent that none of the petitioners or any other of the accused persons entered into the house of the informant and they were standing at the ground floor and did not enter the house at all. So, the allegation of pushing the brother of the informant is completely false and concocted. The learned counsel further submits that the mother of the deceased had taken a loan from the financial institution and instead of repaying the same in proper manner, she shifted her residence without giving any information to the finance company. Even the witnesses, who were examined during investigation, have stated that all the four persons remained



outside the main gate and landlord has stated that he did not allow them to enter into the house. The learned counsel further submits that the charge sheet has been submitted under Section 306 of the Indian Penal Code and the petitioners are in custody since 02.01.2023 and are having clean antecedents.

5. The learned APP opposes the prayer for bail submitting that the petitioner Anupam Kumar is named in the FIR for causing the death of the brother of the informant along with others. They committed this crime in order to force the deceased to make the payment of loan taken by his mother.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that apparently there appears no overt act on the part of the petitioners to cause death of the brother of the informant and further considering the submission of charge sheet and period of custody of the petitioners, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Sadar P.S. Case No. 885 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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