IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27097 of 2023

Arising Out of PS. Case No.-1378 Year-2022 Thana- NAWADA District- Nawada

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DR, PANKAJ SINHA @ PANKAJ SINHA @ PANKAJ KUMAR Son of Late Uma Shankar Sahay Resident of Mohalla-New Area, P.S.-Nawada Town, District-Nawada

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Chittranjan Sinha, Sr. Advocate
Mr. Sanjay Kumar Sinha, Adv
For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 12-07-2023 Heard Mr. Chittranjan Sinha, learned senior counsel for the petitioner and Dr. Mrityunjay Kumar Gautam, learned Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with Nawada Town PS Case No. 1378/2022 dated 10.11.2022 registered for the offence punishable under Section 306 of the IPC and Sections 33, 34 of the Bihar Money Lenders Act, 1974.

3. As per prosecution story, the brother of the informant along with his wife and children altogether six in number consumed poison due to which, five of them died except one, namely, Sakshi Kumari who survived. It has further been alleged that the deceased, Kedar Lal Gupta along with his family was engaged in selling fruit juice on the road side, who

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had told the informant earlier that he had taken loans from some money lenders including the petitioner and had returned more than the loan amount by way of interest. The name of money lenders have been disclosed in the FIR who are seven in number including the petitioner who has been described at Sl No.5 as Dr. Pankaj Sinha.

4. Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The identity of the accused is not clear inasmuch as the petitioner is not a doctor, his parentage is also not mentioned in the FIR and the fact of the matter is that the petitioner is a lab technician and he is not involved in money lending. Name of the petitioner has come on the basis of a chit/paper collected by the police from the possession of the deceased. He further submits that from perusal of the FIR, it would be evident that no offence under Section 306 IPC is made out. There is not active participation of the petitioner compelling the deceased and his family members to commit the suicide. It has further been argued that apart from the petitioner the name of seven alleged money-lenders are there in the FIR.

5. Regards being had to the submissions made by the parties, taking into consideration the nature of allegation and

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the fact that the petitioner is neither a doctor nor the sole money-lender, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, DR, PANKAJ SINHA @ PANKAJ SINHA @ PANKAJ KUMAR, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town PS Case No. 1378/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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