

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44046 of 2022

Arising Out of PS. Case No.-72 Year-2022 Thana- VIDYAPATINAGAR District- Samastipur

1. Shravan Kumar Jha @ Sarwan Jha @ Mannu Jha Son Of Late Ram Sharan Jha Resident Of Village- Mau Bazar, P.S.- Vidyapati Nagar, District- Samastipur
 2. Mukund Jha Son Of Shravan Kumar Jha @ Sarwan Jha @ Mannu Jha Resident Of Village- Mau Bazar, P.S.- Vidyapati Nagar, District- Samastipur
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. Vishwanath Prasad Sinha, Sr. Advocate Mr. Pramod Kumar Singh, Advocate Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-02-2023 Let the defects, if any, pointed out by the office be removed within two weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Vidyapati Nagar P.S. Case No. 72 of 2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 20/22 of NDPS Act.

Allegedly, the younger sister of the informant and her husband found the dead bodies of grandmother, father, mother and two brothers of the informant hanging. It is alleged that the

grandfather and grandmother of informant had taken loan of Rs. 3,00,000/- (Three lakh) from the petitioners on interest due to which the petitioners are alleged to have put pressure on them. It is further alleged that the informant had also taken loan of Rs. 2,00,000/- (Two lakh) from co-accused Bachcha Singh who used to torture her parents. It is further alleged that these petitioners and co-accused committed the murder of grandmother, father, mother and two brothers of the informant and hanged all the dead bodies.

The main submissions advanced by learned senior counsel for the petitioners are that in the present matter the charge sheet was submitted under Section 302 and 306 of IPC but the offence of 302 of IPC is not made out in the present case as no one has claimed to have seen the petitioners murdering the deceased persons and as per the allegation the petitioners simply gave loan of some rupees to some of the deceased persons which cannot be deemed to be a direct reason of committing suicide by the deceased persons and for the death of the deceased persons the petitioners cannot be held liable. Further submission is that both the petitioners have been languishing in jail since 13.06.2022 and they have fair and clean antecedent and the alleged offence of 306 of IPC is also not made out against them.

Learned APP has opposed the bail prayer.

Heard both the sides and perused the FIR and the Case

Diary of this case. The instant matter relates to the death of five persons which took place due to hanging and as per the allegation of prosecution, the grandfather and grandmother of the informant took a loan of Rs. 3 lakhs from the petitioners on interest and just five years after that the principle amount and interest was shown as 15 lakhs to 17 lakhs being pending on the part of the grand parents of the informant and for payment of said loan amount the petitioners and one other person who had also given loan to the deceased persons always made pressure upon the deceased. In view of the nature of allegation appearing from the FIR against the petitioners which in the opinion of this Court had a connection for abetting the deceased persons to commit suicide, this Court is not inclined to accept the prayer of petitioners, accordingly their prayer stands rejected.

Both the petitioners are given a liberty to renew their bail prayer after one year if any progress in respect of their trial for the alleged offence is not made.

(Shailendra Singh, J)

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