

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57549 of 2022

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

ANSHU KUMAR @ RADHEY GUPTA S/o Krishna Saw Resident of - C/o
Akhilesh Prashad, Near Changar Devi Asthan Ashok Nagar, Road no. 11,
Kankarbagh, Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Puskar Narain Shahi, Sr. Advocate Mr. Siddhartha Prasad, Advocate Mr. Sumit Kumar, Advocate
For the Opposite Party/s :		Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-05-2023 Heard Mr. Puskar Narain Shahi learned Senior
Counsel for the petitioner assisted by Mr. Siddhartha Prasad,
learned Advocate and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
506, 306, 511, 379/24 and 120(B) of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that on 17.05.2022 Vasudev
and Radhe Gupta visited his house and started abusing. On
inquiry by the informant, they disclosed that his son Vikas, who
was working as delivery boy with Instakart Services Private
Limited, has misappropriated a sum of Rs.15,000/- belonging to



the company. It is further alleged that the deceased along with his two-wheeler left his house and went with the petitioner and co-accused Vasudev, thereafter the deceased came home and disclosed that he had lost a sum of Rs.15,000/- for which he was being humiliated and threatened by the employees of the company thereafter the deceased locked himself in a room and committed suicide on 17.05.2022.

Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation against the petitioner is that he came to the house of the informant along with Vasudev and abused and threatened his son and thereafter the son of the informant accompanied them and came back home and disclosed that he was humiliated as it was being alleged that he had misappropriated a sum of Rs.15,000/- of the company. It is next submitted that even the disclosure made by the deceased before the informant does not even remotely suggest that what kind of threat was given to the deceased. It is also submitted that the deceased committed suicide inside his house on 17.05.2022 but the FIR came to be instituted on 21.05.2022 after a delay of five days without any plausible



explanation which also creates suspicion with regard to the allegation as alleged in the FIR. Learned Senior Counsel further submits that it appears that the informant by way of afterthought instituted the present FIR as it absolutely does not stand to reason that as to why the informant did not institute the FIR promptly. Learned Senior counsel next submits that the petitioner will not abscond and will cooperate in the trial and will not make any endeavour to delay the trial of the case. It is also submitted at the cost of repetition that petitioner is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but is not able to meet the submission of the learned Senior Counsel for the petitioner with regard to delay in institution of the FIR.

Considering the submissions made by the learned Senior Counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) 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 Khagaul P.S.



Case No. 135 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the learned trial court comes to a conclusion that petitioner, after release on anticipatory bail, is trying to delay the trial of the case in any manner, the learned trial court will be at liberty to forthwith cancel his bail bonds and to ensure that all coercive steps are taken so that petitioner is put behind bars.

(Satyavrat Verma, J)

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