

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14781 of 2023

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

Vijay Kumar @ Vijay Kumar Singh, aged about 68 years (Male), S/O Late Nand Kishore Singh, Resident of village- New Area Rajendra Nagar, Nawadah, P.S.- Nawadah, District- Nawadah.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party : Mr. Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 22-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Nawada Town P.S. Case No. 1378 of 2022 dated 10.11.2022 registered for the offences punishable under Section 306 of the I.P.C., Sections 33 and 34 of the Bihar Money Lenders Act, 1974.

4. As per the prosecution case, the informant alleges that his brother alongwith his wife and children,



altogether six in number, consumed poison, on account of which, five of them died and one Shakshi Kumari survived. It is further alleged that the deceased Kedar Lal Gupta alongwith his family was engaged in selling fruit juice on the road side and he had told the informant earlier that he had taken loan from some moneylenders and has returned more than the loan amount by way of interest. It is next alleged that since the moneylenders were demanding their loan amount in excess as such his brother alongwith his family members committed suicide.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that from perusal of the F.I.R., it appears that the informant has taken the names of seven co-accused persons, namely, Manish Singh, Vikash Singh, Vinay Singh, Tuntun Singh, Dr. Pankaj Sinha, Ranjeet Singh and Saurabh Jee but no where he has taken the name of the petitioner and one of the persons who lent money to either the deceased or his family. It is further submitted that the informant is own brother of the deceased and in the F.I.R., he has mentioned the reason as he earlier



talked the deceased that he was allegedly frustrated and tensed as the people were asking him for interest money and that is reason the informant claims that the seven named persons are the reason why his brother and his family have committed suicide. It is further submitted that the petitioner is not a moneylender nor he had given any loan to the deceased nor he is named in the F.I.R. It is next submitted that it is a case under Section 306 of the I.P.C. and the allegation hinges around the fact that the accused persons including the petitioner abetted the suicide but the said allegation is based on suspicion. Other co-accused persons have been granted anticipatory bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 27097 of 2023 under order dated 12.07.2023, Cr. Misc. No. 24325 of 2023 under order dated 08.09.2023, Cr. Misc. No. 37166 of 2023 under order dated 01.08.2023, Cr. Misc. No. 19865 of 2023 under order dated 03.08.2023 and Cr. Misc. No. 28842 of 2023 under order dated 24.08.2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the



prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Nawada, in connection with Nawadah Town P.S. Case No. 1378 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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