

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51050 of 2014

Arising Out of Kumarkhand (Bhatni O.P.) PS.Case No. -132 Year- 2014 Thana -KUMARKHAND
District- MADHEPURA

- =====
- 1. Vidya Nand Rishideo, Son of Dhaniklal Rishideo
 - 2. Lakhia Devi, Wife of Late Shivan Rishideo
- Both resident of village- Ramnagar, Tola Narainpatti, Police Station- Kumarkhand, District- Padhepura

.... Petitioners

Versus

- 1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.17170 of 2015

Arising Out of Kumarkhand (Bhatni O.P) PS.Case No. -132 Year- 2014 Thana -KUMARKHAND
District- MADHEPURA

- =====
- 1. Anmol Yadav Son of Gorelal Yadav Resident of Village - Barah Kurwa, P.S. Kumarkhand (Bhatni O.P.), District - Madhepura, State-Bihar.

.... Petitioner

Versus

- 1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.51050 of 2014)

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. T.N. Thakur (APP)

(In Cr.Misc. No.17170 of 2015)

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Anusuiya Jaiswal(APP)

=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 21-05-2015 Both the applications, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Vidya Nand Rishideo, Lakhia Devi and Anmol Yadav , in connection with Kumarkhand Police Station Case No. 132 of

2014 under Sections 147/148/149/302 of the Indian Penal Code.

Perused the above applications and materials on record including a copy of the order, dated, 18.11.2014 and 23.03.2015, passed, in A.B.P. No. 452 of 2014/136 of 2015, by the learned Sessions Judge, Madhepura, dismissing the said applications for pre-arrest bail.

Heard Mr. Manoj Kumar, learned counsel for the petitioners (in Cr.Misc.No. 51050 of 2014), and Mr. Dinesh Prasad Verma, learned counsel for the petitioner (in Cr.Misc.No. 17170 of 2015). Heard also Mr. T.N.Thakur, learned Additional Public Prosecutor, appearing on behalf of the State.

The allegation against the petitioners is to the effect that on 28.6.2014, at about 9.00 AM, petitioners, along with others, armed with weapons, came on the land of the informant and started constructing house there and, on objection being raised by the informant's husband, he was assaulted by various weapons and died on the spot; but the *post mortem* examination did not, however, reveal any external injury on the dead body of the informant's husband and the cause of death, too, could not be ascertained. This apart, perusal of the record does not reveal any such incriminating materials against the petitioners, which would warrant their custodial detention and interrogation, this Court is of

the view that the petitioners have been able to make out a case calling for appropriate direction for pre-arrest bail.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioners above-named shall, in the event of their arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties of the like amount, subject to the satisfaction of the Officer-in-Charge, Kumarkhand Police Station, Madhepura. This direction for bail is further subject to the condition that the petitioners above-named shall, within two weeks from today, appear before the Officer-in-Charge, Kumarkhand Police Station, and make themselves available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Kumarkhand Police Station, District Madhepura.

Send also a copy of this order, forthwith, to the

Superintendent of Police, Madhepura, by fax.

(I. A. Ansari, J)

A.I./-

U			
---	--	--	--

