

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56061 of 2015

Arising Out of PS.Case No. -82 Year- 2013 Thana -RAUTARA District- KATIHAR

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1. Sunil Rishi Son of Satya Narayan Rishi, Resident of Village - Choti Parmanandpur, P.S. - Korha, District - Katihar. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 22-02-2016

Heard learned counsel for the petitioner and learned

counsel representing the State.

Petitioner seeks bail in connection with Rautara P.S. Case No. 82 of 2013 registered for the offences punishable under Sections 342, 323, 304, 307/34 of the Indian Penal Code in which Sections 302, 201, 120B IPC was added later on.

Allegedly, Nawal Rishi, the son of the informant, after distributing Radio under Government Scheme was returning, he was caught by five miscreants and Sanjay Rishi with the help of others took away on the motorcycle and thereafter, five miscreants including the petitioner assaulted brutally causing injury and during treatment Nawal Rishi died.

Submission is of false implication and that the informant is not the eye witness of the occurrence, how the informant came to know is not mentioned, the occurrence is said to have been committed on 23.07.2013 but the case was instituted on 26.07.2013 without any explanation, other similarly situated co-accused Laddu Rishi has been

allowed pre-arrest bail vide Cr. Misc. No. 45286 of 2015 by another co-ordinate Bench of this Court and further co-accused Prakash Rishi has been allowed bail vide Cr. Misc. No. 42193 of 2015 and as such the petitioner who is suffering in custody since 24.07.2015 deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP fairly submits that the first information report has been lodged after delay.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri M. K. Jha, J. M. Ist Class, Katihar in connection with Rautara P.S. Case No. 82 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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