

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37350 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -MURLIGANJ District- MADHEPURA

- =====
1. Akhilesh Rishideo
 2. Chhotkan Rishideo Both Sons of Late Bangali Rishideo Residents of Village - Ratanpatti Police Station & District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 17-11-2016 Supplementary affidavit is filed on behalf of the petitioners mentioning this fact that prior to institution of the present case, one Complaint Case had been lodged against the petitioner No. 1 but at the time of filing of this petition, the aforesaid fact was left to be typed as petitioner's wife being an illiterate lady, could not disclose the above-said fact. Let the supplementary affidavit be kept on record.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State, assisted by learned counsel, appearing for the informant.

No doubt, petitioners are named in the first information report but it is alleged that it was co-accused, Nanhku Rishideo who gave Dabiya blow causing head injury to the



deceased. So far as petitioners are concerned, there are omnibus allegation of assault as well as snatching money of the deceased, however, in course of investigation, almost all the so-called eye witnesses claimed that it was Nanhku Rishideo, who gave fatal blow to the deceased. The postmortem report of the deceased goes to show that the only one injury on the head of the deceased was found.

Learned counsel appearing for the informant submits that the alleged occurrence is said to have taken place when the deceased refused to withdraw the case, which had earlier been lodged against the petitioners and other FIR named accused and, therefore, if petitioners are granted privilege of bail, it would be very difficult for the prosecution to produce witnesses in course of trial.

Considering the aforesaid facts and circumstances as well as submission of the parties and also, taking note of this fact that except one case, which was lodged against the petitioner No. 1 and that too, by brother of the informant of the present case, petitioners do not have any criminal antecedent and no specific overt act is said to have been attributed against them, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the

like amount each in connection with Murliganj P.S. Case No. 102
of 2016 to the satisfaction of learned Chief Judicial Magistrate,
Madhepura.

A.K.V./-

(Hemant Kumar Srivastava, J)

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