

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48888 of 2017

Arising Out of PS.Case No. -65 Year- 2017 Thana -GWALPARA District- MADHEPURA

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Pappu Rishideo, Son of Late Rajneeti Rishideo, Resident of Village-
Reshna, Ward No. 02, P.S. Gwalpara (Arar O.P), District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-11-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Gwalpara (Arer) P.S. Case No. 65 of 2017 dated 14.05.2017
instituted for the offence under Section 302 of the Indian Penal
Code.

The petitioner is said to be the nephew of the
deceased. Over a dispute regarding land, the petitioner is said to
have abused the deceased. On protest, the petitioner is again
alleged to have assaulted the deceased by means of bamboo thrice.
The deceased died because of the injuries suffered by him.

It has been submitted by the learned counsel for the
petitioner that though the occurrence took place on 10.05.2017 but
the report regarding the same was lodged on 14.05.2017 without
there being any plausible explanation.

That apart, the learned counsel for the petitioner also



submitted that from the circumstances of the case, even if it is assumed that the petitioner had caused the fatal injuries on the person of the deceased, there would not have been any intention to kill, as he stood in special relation to the deceased. The background in which the occurrence took place further depicts that there could be a possibility of false implication or else the report regarding the occurrence would not have been lodged after four days of the same.

Taking into account the fact that the petitioner is in custody since 31.05.2017 and that he does not bear any criminal antecedents, this Court is inclined to grant bail to him.

The petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Udakishungaj at Madhepura in connection with Gwalpara (Arer) P.S. Case No. 65 of 2017.

However, it is directed that the petitioner would be under an obligation to participate in the trial and any attempt of the petitioner to impede the process of trial would entitle the state to proceed for cancellation of bail granted to him.

(Ashutosh Kumar, J)

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