

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44778 of 2017

Arising Out of PS.Case No. -222 Year- 2016 Thana -MADHEPURA District- MADHEPURA

- =====
1. Rashuldeo Rishideo @ Rasuldeo Rishideo, son of Late Bindeshwari Rishideo
 2. Chhutharu Rishideo @ Chhutahru Rishideo, son of Late Bindeshwar Rishideo
 3. Bibhishan Rishideo @ Babhchan Rishideo @ Vibhishan Rishideo, son of Late Chhedhi Rishideo
 4. Mohril Rishideo, son of Bibhishan Rishideo @ Babhchan Rishideo @ Vibhishan Rishideo
- All resident of Village Gamhariya, P.S. Madhepura (Bharrahi O.P.),
District Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Madhepura
(Bharrahi O.P.) P.S. Case No. 222/16 for offences punishable
under Section 302 and other allied Sections of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that there was some land dispute between the parties and the
petitioners along with two others named in the First Information
Report along with 3-4 unknown assaulted his father, while two of the
other co-accused pressed his testicles. The petitioners had assaulted



the informant's father, who being brought to the hospital was declared dead.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and only general and omnibus allegations have been levelled against them. He submits that present occurrence was because of land dispute, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners. He further submits that two of the co-accused, who had pressed the testicles of the deceased, have been granted privilege of bail by co-ordinate Bench of this Court in Cr. Misc. No. 36982 of 2016 on 05.09.2016, the deceased was himself a heart patient and the postmortem report does not specify any external or internal injury.

However, learned APP for the State opposes the prayer for bail stating therein that the viscera has been preserved.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 222/2016, subject to the



following conditions :

- (i) Both the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.
- (ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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