

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 61711 of 2017

Arising Out of PS.Case No. -119 Year- 2017 Thana -FALKAHA District- KATIHAR

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1. Dinesh Rishi, S/o Uday Rishi,
2. Shreelal Rishi S/o Late Lalit Rishi, Both are R/o Village- North Amol
Khanwaghat, P.S.- Falka, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ajay Kumar Thakur, Advocate with
Ms Babita Kumari, Advocate

For the S t a t e : Mr Rajeev Nayan, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 02-02-2018

Heard counsel for the petitioners and the State.

Petitioners seek bail in a case registered under
Sections 302/34 of Indian Penal Code.

It is submitted by the petitioners' counsel that from
the allegations in the first information report, it is evident that the
informant is not the eye witness to the occurrence. Relying on the
case diary, he submits that the place of occurrence is far away
from the home of the informant. He further submits that it is a
case of accidental death of the victim and even the witnesses, who
are said to be independent, in paragraphs 39 and 40 of case diary,
have merely reiterated the allegations in the first information
report but have not claimed themselves to be eye witnesses. Prior



to the instant case, petitioners have no criminal antecedent and they are in custody since 26.05.2017.

Considering the aforesaid submissions, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, Katihar in Sessions Trial No 271 of 2017 arising out of Falka Police Station Case No 119 of 2017 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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