

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20757 of 2019

Arising Out of PS. Case No.-116 Year-2018 Thana- MIRGANJ District- Purnia

1. Vijay Rishi, S/o Mahi Chan Rishi Resident of Village- Baghwa, P.S.- Mirganj, District- Purnea.
2. Mukesh Rishi S/o Mahi Chan Rishi Resident of Village- Baghwa, P.S.- Mirganj, District- Purnea.
3. Bounu Rishi @ Sanjay Rishi S/o Mahi Chan Rishi Resident of Village- Baghwa, P.S.- Mirganj, District- Purnea.
4. Nageshwar Rishi @ Nago Rishi Son of Late Manti Rishi Resident of Village- Baghwa, P.S.- Mirganj, District- Purnea.
5. Arjun Rishi @ Arjun Kumar Rishi Son of Nageshwar Rishi @ Nago Rishi Resident of Village- Baghwa, P.S.- Mirganj, District- Purnea.
6. Pinki Devi Wife of Late Vikash Rishi Resident of Village- Baghwa, P.S.- Mirganj, District- Purnea.
7. Chamru Rishi Son of Late Fanilal Rishi Resident of Village- Baghwa, P.S.- Mirganj, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Babita Kumari, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 10-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mirganj P.S. Case no. 116 of 2018, registered under Section 302 and 201/34 of the Indian Penal Code.

The accusation is that on 02.10.2018 at about 10.00 P.M. Vikash Rishi, younger brother-in-law of the



informant, Nageshwar Rishi slapped his wife Pinki Devi. Thereafter, Pinki Devi moved to the house of Nageshwar Rishi, maternal uncle of the husband of informant, situated in the same village, Vikash Rish followed her wife. After sometime, Naago Rishi his son Arjun Rishi, Mukesh Rishi, Vijay Rishi and Sanjay Rishi @ Bauna Rishi came along with Pinki Devi and Vikash Rishi at the Godown of Naago Rishi and all started assaulting Vikash Rishi. Thereafter, Pinki reached there and moved giving threatening. After sometime, Vikash Rishi came from field in running and fell down on the ground and asked his mother that he will no alive and asked to talk with Subhash. In the meantime, he became unconscious. In the meantime, Naago Rishi and others came there and caught hold the hand of Vikash Rishi and he was carried for treatment boarding on tractor of Naago Rishi and they returned at 4.00 A.M. in the morning and they were watching at the house of informant. On 05.10.2018, Subhash Rishi, husband of the informant came at his house then he was also threatened and in the morning he came out from the house and search of the body was made and dead body of Vikash Rishi was recovered from digging the field. Further claim of the informant is that Vikash Rishi has been killed by the aforesaid persons.



Learned counsel for the petitioners submits that, in fact, deceased Vikash Rishi was in habit of taking liquor due to that reasons, he died and his dead body was buried in the field, but with ulterior motive the petitioners, who are the maternal uncle and husband of the deceased and other family members have falsely been implicated in this case. Moreover, the allegation has been made by the informant that deceased was assaulted by the petitioners, but no external or internal injury was found on his person.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea in connection with Mirganj P.S. Case No. 116 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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