

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16012 of 2019

Arising Out of PS. Case No.-131 Year-2018 Thana- JANKINAGAR District- Purnia

SHIVAN RISHIDEO @ SHIV NARAYAN RISHIDEO, son of Late Suman
Risideo, Resident of Village - Narayanpur, P.S. - Janki Nagar, District - Purnia
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 21-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 326, 307, 302
and 120B of the Indian Penal Code.

Allegation against the petitioner is that he cut the
throat of the deceased.

Learned counsel for the petitioner submits that
according to the Investigation Officer, the occurrence took place
in a bamboo clump and it is not possible to see the occurrence
from a distance of five bighas, especially, in a bamboo clump,
therefore, the informant is not the eyewitness of the occurrence.
He further submits that none of the other witnesses have stated
that they had actually seen the petitioner cutting the throat of the
deceased. He further submits that there is no motive alleged for



commission of the crime.

The record reveals that there is no material to substantiate any motive for false implication of the petitioner. The witnesses, who reached at the place of occurrence, on hearing alarm, saw all the named accused persons including the petitioner and the witnesses stated that the petitioner was carrying a knife (*Chaku*). The Investigating Officer did not find or seize blood from the bamboo clump, hence, it cannot be said that the Investigating Officer was more reliable than the witnesses of the occurrence.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge him on bail in connection with Janki Nagar Police Station Case No. 131 of 2018 pending in the court of learned Chief Judicial Magistrate, Purnea.

Hence, prayer for bail is refused.

Learned trial court is directed to expedite the trial and conclude the same within a period of one year from the date of framing of the charge.

(Birendra Kumar, J)

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