

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29138 of 2019

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

PINTU RISHIDEO, Male, aged about 39 years, Son of Halesher Risideo
Resident of Village - Narayanpur, P.S.- Janki Nagar, District- Purnea
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Bipin Kumar, Adv.
For the Opposite Party : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-05-2019 Heard learned counsel for the petitioner, the learned
counsel for the informant and the learned counsel for the State.

The petitioner had earlier moved this Court for bail which was rejected on 18.01.2019 in Cr. Misc. No. 2397 of 2019. The petitioner is languishing in judicial custody since 13.08.2018 in connection with Janki Nagar P.S. Case No. 131 of 2018 for the offence alleged under Section 302 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that the petitioner along with two others, came to the house of the petitioner and enquired about his brother, Pappu Mukhiya, thereafter they telephonically called him to a nearby place and three of them, including the petitioner, caught hold of him and co-accused, Shivan Rishideo slit his neck.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not the main assailant, bears no criminal antecedent and the main allegation is on Shivam Rishideo. He submits that charge sheet has already been submitted, charges have been framed and trial has commenced. He, further, submits that on similar allegation one of the co-accused has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 79552 of 2018, dated 22.01.2019.

Learned counsel for the informant vehemently opposes the prayer for bail stating therein that the petitioner along with two others caught hold of the deceased and his throat was slit by Shivam Rishideo, as such, informant's brother died because of the cumulative act on the part of the petitioner and co-accused. He submits that this petitioner was also threatening the deceased with knife, which the witnesses have stated.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that on similar allegation one of the co-accused has been granted the privilege of bail coupled with the fact that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above



named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Janki Nagar P.S. Case No. 131 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Purnea, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner 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 his bail bonds.

(Nilu Agrawal, J)

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