

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76309 of 2018

Arising Out of PS. Case No.-154 Year-2018 Thana- CHAUSA District- Madhepura

Siyaram Rishideo, Son of Late Sundar Rishideo, Resident of Village- Kalasan
Musahari, Police Station- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav

For the Opposite Party/s : Mr.Sri Nand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
13.06.2018 in a case registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Chotan
Rishideo recorded by S.I., Phagu Ram of Chausa Police Station
on 12.06.2018 at 8.30 A.M. is to the effect that in the
background of land dispute, five FIR named accused persons
including the petitioner were made construction of the house on
the way of the informant's side which was protested by
informant's side, as a result, on 11.06.2018 at 10.00 P.M., the
accused persons came started abusing and assaulting the
informant when the mother of the informant, Jaso Devi, wife
Fuliya Devi and brother's wife Rita Devi came to rescue then



the accused persons assaulted them also. It is further alleged that the mother of the informant was pushed down on the ground and thereafter, she was indiscriminately assaulted by all the accused persons, as a result, she got unconscious and subsequently, succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the accusation of assault is omnibus and general and the accusation has been levelled in the background of serious land dispute. The postmortem report does not suggest that indiscriminate assault has been made by five accused persons to the mother of the informant rather the postmortem report suggests swelling of marginal size over right elbow, bruise and swelling over the waist and on back, bruise and swelling on the right chest and over the right side of the abdomen and right knee was found swollen. Since the victim was an old lady hence, she might have died due to the assault. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that the specific accusation is against the petitioner is that he pushed down the mother of the informant on the ground and thereafter assaulted her.



Considering the fact that the accusation of assault is omnibus and general, investigation has already been concluded and the genesis of the occurrence being land dispute, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Chausa P.S. Case No. 154 of 2018.

(Dinesh Kumar Singh, J)

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