

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55019 of 2019

Arising Out of PS. Case No.-170 Year-2019 Thana- FORBESGANJ District- Araria

1. Babloo Rishideo, Son of Bal Krishna Rishideo Resident of Village-Halhalia, Ward No. 06, P.S.- Simraha, District- Araria.
2. Sharashwati Devi, Daughter of Bal Krishna Rishideo, Resident of Village-Halhalia, Ward No. 06, P.S.- Simraha, District- Araria.
3. Bal Krishna Rishideo, Son of Dhanraj Rishideo, Resident of Village-Halhalia, Ward No. 06, P.S.- Simraha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-02-2020 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Forbesganj (Simraha) P.S. Case No.170 of 2019, registered for the offence punishable under Sections 341, 342, 325, 307, 504/34 of the Indian Penal Code.

The allegation against the petitioners is that son of the informant, Shiv Narayan Rishideo went to his sasural in search of his wife, Sarshwati Devi, the petitioners along with other co-accused persons caught hold the son of the informant and assaulted him badly causing serious injuries on his head and



face leading to his death during the course of treatment in Katihar Medical college.

Mr. Mukesh Kumar, learned counsel appearing for the petitioners submits that petitioners are the family members of the deceased inasmuch as petitioner No.1 happens to be the brother-in-law of the deceased and petitioner No.2 is the wife of the deceased and petitioner No.3 is father-in-law of the deceased. Learned counsel further submits that deceased was found injured in suspicious condition. Learned counsel also submits that petitioner No.2 being the wife of the deceased and a lady deserves the privilege of anticipatory bail.

On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that the deceased was taken to hospital under injured condition from the house of accused persons and the mark on the body of the deceased was found during the post-mortem. Learned counsel further submits that one of the accused persons namely, Matra Rishideo confessed before the police that he along with other accused persons assaulted the son of the informant and ultimately he died during the course of treatment.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and



taking into consideration the materials on record collected during the course of investigation and the confessional statement of co-accused and the fact that deceased was taken to hospital from the house of the accused persons in injured condition, I am not inclined to grant anticipatory bail to the petitioners except petitioner No.2, who happens be the wife of deceased and giving her benefit of doubt.

Accordingly, the prayer for anticipatory bail of petitioner No.1 and 3 are rejected and petitioner No.2, Saraswati Devi, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by her, she shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj (Simraha) P.S. Case No.170 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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