

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18995 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- KUMAR KHAND District- Madhepura

1. DHIREN @ DHIRENDRA RISHIDEO S/O LATE CHHEDI RISHIDEO
2. Biren @ Birendra Rishideo S/o Late Chhedi Rishideo
Both are R/o village- Kumarkhand, Ward No. 14, P.S.- Kumarkhand, Distt.-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-10-2021 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that while his father was putting khutta over the land, the accused persons including the petitioners herein came, protested and started to abuse. It is further stated that these two petitioners strangulated his father and pressed his hydrocele. On being admitted to the hospital, the doctor declared him dead.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in



the case. Besides being neighbour, they are also agnates and co-sharers. The matter relates to land dispute between the parties. The petitioners have already constructed their house over the land in question. It was the informant who was the aggressor. Further referring to the F.I.R., learned counsel submits that naming all the family members as accused shows that the informant is not an eye witness to the occurrence. There is no specific allegation of assault against these two petitioners. The post-mortem report does not support the allegations made therein. The allegations are general and omnibus in nature. The petitioners are in custody since 9.9.2020 and have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State who submits that as per the contents of the case diary, the witnesses in their statement under section 161 Cr.P.C. have supported the case against the petitioners. It is further submitted that the cause of death in the post-mortem report is stated to be asphyxia due to strangulation which is directly attributable to these two petitioners as per the allegations in the F.I.R.

Having heard learned counsel for the parties and taking into consideration the allegations against these petitioners



together with the contents of the post-mortem report, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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