

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32251 of 2020

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

Babloo Risideo, aged about 34 years (M), Son of Bal Krishna Risideo,
Resident of Village - Halhalia ward no. 06, P.S. - Simraha (Forbesganj),
District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-01-2021

Heard Mr. Mukesh Kumar Rana, learned counsel for the petitioner and Mr. Anil Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Forbesganj (Simraha) PS Case No. 170 of 2019 dated 24.02.2019, instituted under Sections 341/342/325/307/504/34 of the Indian Penal Code to which later on Section 302 of the Indian Penal Code was also added.

3. The allegation against the petitioner and three others is of assault on the deceased, who was the husband of his sister, in the house of the petitioner.

4. Learned counsel for the petitioner submitted that the allegation is general and omnibus. It was submitted that in the



FIR it has been stated that when the deceased was taken to the hospital he was in unconscious state and, thus, it is clear that the deceased could not tell anything to anybody and the informant, who is the father of the deceased, had no occasion to implicate the petitioner as he had no source of information, as the same is not disclosed in the FIR. It was stated that later on, after two days of the incident, the victim also died. Learned counsel further submitted that the petitioner, being the brother of the wife of the deceased, it cannot be expected that he would make his sister a widow. Learned counsel submitted that the elder brother of the petitioner namely, Matra Rishideo @ Ravi Kumar, who is also co-accused, has been granted bail by a coordinate bench on 24.10.2019 in Cr. Misc. No. 43378 of 2019. It was submitted that the petitioner having no criminal antecedent is in custody since 02.03.2020.

5. Learned APP submitted that the allegation of assault is against the petitioner also. However, he did not controvert that there is general and omnibus allegation.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Forbesganj (Simraha) PS Case No. 170 of 2019, subject to the condition that one of the bailors shall be a close relative of the petitioner. The petitioner shall cooperate with the Court. Failure to do so, shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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