

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53391 of 2021

Arising Out of PS. Case No.-372 Year-2019 Thana- BIHARIGANJ District- Madhepura

Arun Rishideo S/o- Chhedi Rishideo @ Chedi Rishidev R/o Village- Sarauni,
P.S.- Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2022 Heard learned counsel for the petitioner and Smt. Rina Sinha, learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection Bihariganj P.S. Case No. 372 of 2019 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner is in custody since 21.12.2020, is a person with clean antecedent and charge sheet has been submitted.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant Bebi Kumari alleges that on 14.12.2019 her husband Rajeev Kumar Gupta along with local



Sarpanch and co-villagers had gone to take part in a feast at the place of Tapeswar Yadav. It is further alleged that when they all were returning and had reached in between the house of Pulat Rishideo and Ghusho Rishideo at 8.30 p.m, the accused hiding under conspiracy in the house of Ghusho Rishideo and the named accused persons along with ten unknown, all of a sudden, came out and it is alleged that Navin Mandal fired twice hitting the husband of the informant on his head and he fell down and thereafter, it is alleged that all the accused persons fired and husband of the informant died.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the informant is not an eye-witness to the occurrence nor it has been alleged in the F.I.R. that occurrence was disclosed to her by someone. Learned counsel further submits that the petitioner is not named in the F.I.R. and the F.I.R. was lodged on 15.12.2019 and was sent to court on 18.12.2019 i.e. after three days of institution of the F.I.R. It is further submitted that as far as allegation of firing by all the accused is concerned, that is general and omnibus in nature. It is submitted that co-accused Nawal Yadav has been granted bail vide order dated 07.12.2021 in Cr. Misc. No. 36463 of 2021 along with other co-accused as



would be evident from Annexure-2 series to the present bail application.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 21.12.2020, charge sheet has been submitted in the case, petitioner is a person with clean antecedent and co-accused have been granted bail as aforesaid, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-III, Madhepura in connection with Bihariganj P.S. Case no. 372 of 2019.

(Satyavrat Verma, J)

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