

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44182 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. Laxman Sada Son Of Late Mahendra Sada Resident Of Village- Dandari, Ps- Singheshwar, Distt- Madhepura
2. Deepak Kumar @ Deepak Rishideo Son Fo Jiranand Sada Resident Of Village- Kamargama, Basaha Tola, Ward No. 6, Ps- Singheshwar, Distt- Madhepura
3. Sunil Kumar Son Of Laxman Sada Resident Of Village- Kamargama, Basaha Tola, Ward No. 6, Ps- Singheshwar, Distt- Madhepura
4. Raj Kumari Devi Wife Of Laxman Sada Resident Of Village- Dandari, Ps- Singheshwar, Distt- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Ms. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Singheshwar P.S. Case No. 86 of 2022 registered for the offences punishable under Sections 341, 323, 302 and 34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 15.04.2022 at about 05:00 P.M. in the evening when the informant was at his house, his younger brother Nitish Kumar came weeping and told that one Brihaspati Sada along with other FIR named accused persons have



assaulted him. On this, the informant along with his father Sakaldeo Paswan and uncle Chandradeo Paswan went to the house of Brihaspati Sado for complaint where the accused persons assaulted them with lathi and danda. Co-accused Manoj Rishideo brutally assaulted the father of the informant with 'samath' and in course of treatment, his father died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the death of the deceased has been caused due to hard and blunt substance which is attributed specifically to Manoj Rishideo. So far as these petitioners are concerned, they have been made accused only on the basis of general and omnibus kind of allegations.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submission that the specific allegation of commission of overt act is upon co-accused Manoj Rishideo who had allegedly repeatedly assaulted on the head of the father of the informant and also assaulted the informant and his uncle, the post-mortem report mentioned in the order of the learned Sessions Judge, Madhepura contains the opinion of the Doctor that the cause of death of the deceased is Hemorrhage and shock due to head injury caused by hard and blunt substance and



the same has been specifically attributed to Manoj Rishideo, so far as these petitioners are concerned against them there is no specific allegation but they have been made accused on the strength of general and omnibus kind of allegations, they have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Singheshwar P.S. Case No. 86 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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