

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46533 of 2022

Arising Out of PS. Case No.-363 Year-2020 Thana- NARPATGANJ District- Araria

1. CHHOTU RISIDEO @ CHHOTU KUMAR SON OF LATE BIDYANAND RISIDEO R/O VILLAGE- DEVIGANJ, WARD NO.-2, P.S.- NARPATGANJ, DISTRICT- ARARIA
2. AJAY RISHIDEO @ AJAY SON OF LATE BIDYANAND RISIDEO R/O VILLAGE- DEVIGANJ, WARD NO.-2, P.S.- NARPATGANJ, DISTRICT- ARARIA
3. SURAJ RISHIDEO @ SURAJ KUMAR SON OF PARO @ PURAN RISHIDEO R/O VILLAGE- DEVIGANJ, WARD NO.-2, P.S.- NARPATGANJ, DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46608 of 2022

Arising Out of PS. Case No.-363 Year-2020 Thana- NARPATGANJ District- Araria

1. DINESH RISIDEO S/O SURYADEO RISIDEO @ SURYA NARAYAN RISIDEO Resident of village- Deviganj, P.S.- Narpatganj, District- Araria.
2. SONU RISIDEO @ SONU KUMAR S/O BINOD RISIDEO Resident of village- Deviganj, P.S.- Narpatganj, District- Araria.
3. CHANDAN RISIDEO S/O DINESH RISIDEO Resident of village- Deviganj, P.S.- Narpatganj, District- Araria.
4. MITTHU RISIDEO S/O LATE ISHAR RISIDEO Resident of village- Deviganj, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46533 of 2022)

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Shailendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 46608 of 2022)

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.



The petitioners apprehend their arrest in connection with Narpatganj P.S. Case No. 363 of 2020 for the offence registered under Sections 147, 148, 149, 341, 323, 325, 448, 379, 302 and 504 of the Indian Penal Code.

The allegation in the FIR is that when the informant was boarding rickshaw and reached near the shop of the Ritlal, all the named accused persons including the petitioners suddenly came up and brutally assaulted as also his family members causing serious injuries. The further allegation is of destroying house hold articles worth Rs. 1,50,000/-. The FIR further states that all the victims were brought to the Narpatganj Hospital where the father of the informant succumbed to the injuries. Accordingly, the FIR came to be instituted.

Learned counsel for the petitioners submits that although the incident is unfortunate, the fact remains that altogether 18 persons have been made accused, just to implicate them in this case. It is their further submission that as per the injury of the father of the informant, he had one lacerated wound and two abrasions but the allegation of assault is against 18 persons. It is the last submission that some of the co-accuseds have since been granted the same relief of anticipatory bail by a co-ordinate Bench of this Court vide Cr.Misc. No.



53758 of 2021 on 15.02.2022 (Annexure 2). It is the further submission that none of the petitioners in the two bail applications have criminal antecedent.

Taking into account the fact there is omnibus allegation against all the accused persons, some of them have been since the granted anticipatory bail and they do not have criminal antecedent, this Court is inclined to grant them the same relief. If however, it is found that any of the petitioners are having criminal antecedent, the bail order so far as that petitioner is concerned shall become infructuous.

In the aforesaid circumstances the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Araria in connection with Narpatganj P.S. Case No. 363 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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