

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65216 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- NARPATGANJ District- Araria

1. Tiran Risideo Son of Late Maneshi Risideo Resident of Village- Gorraha Bishanpur, Ward No.-5, P.S.- Narpatganj, District- Araria
2. Mukesh Risideo @ Mkesh Risideo Son of Tiran Risideo Resident of Village- Gorraha Bishanpur, Ward No.-5, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 11-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Narpatganj P.S. Case No. 209 of 2021 dated 08.05.2021 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379 and 504/34 of the Indian Penal Code and later on, Section 302 of I.P.C. was also added.

As per the prosecution, the informant alleged that



both the petitioners along with 2-4 unknown persons assaulted his son by means of iron-rod, *three-nut butt* and bolder and later on, the victim succumbed to his injuries. It is further alleged that these miscreants also snatched one lac rupees from his son.

The main submissions advanced by petitioners' counsel are that the petitioners have been languishing in jail since 18.08.2022 and having fair and clean antecedent and in fact the petitioner No. 1 and the deceased were riding on a motorcycle which was being driven by the deceased himself and the said motorcycle fell in a ditch and consequently the deceased and the petitioner No. 1 themselves sustained injuries in that accident and the said fact has been supported by material witnesses namely Dharmdev Mandal, Vikram Paswan and Mahesh Rishidev and as per the statements of said material witnesses, the deceased and the petitioner No. 1 were also found in drunken condition and on account of the injuries sustained by the petitioner No. 1 in the said accident, he was treated at Rajhansh Health Care Center, Referral Hospital Road, Forbesganj and in this regard the relevant document concerned to his medical treatment was filed before the Investigating Officer and so far as the petitioner No. 2 is concerned except his name being surfaced in the FIR, there is no any evidence to



connect him to the alleged occurrence.

Learned APP appearing for the State has opposed the bail prayer.

Considering the above submissions and mainly the statements of the witnesses mentioned-above, which go in favour of petitioners' defence and also the statements of the material witnesses namely Nageshwar Paswan, Gauri Rishideo and Md. Azam, who happen to be police officials, who stated that at the relevant time of happening of the alleged occurrence, the petitioner No. 1 and the deceased were in drunken condition and the investigation has been completed against the petitioners, in my opinion it is a fit case for bail to the petitioners. Accordingly, let the both the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Narpatganj P.S. Case No. 209 of 2021.

(Shailendra Singh, J)

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