

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74248 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- MURLIGANJ District- Madhepura

1. Ashok Rishidev S/O Late Anandi Rishidev Resident of Village- Bishnupur Ghat Tola Ward No. 10, P.O. Bishnupur, P.S. Murliganj, District - Madhepura
2. Sunil Rishidev S/O Late Anandi Rishidev Resident of Village- Bishnupur Ghat Tola Ward No. 10, P.O. Bishnupur, P.S. Murliganj, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners seek bail in connection with Murliganj P.S. Case No. 341 of 2022, registered on 20.07.2022 for the alleged offences under Sections 341, 342, 323, 307, 354(B), 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons stabbed the informant and assaulted her sister-in-law.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have been made accused in this case



due to previous enmity and there is no specific allegation against the petitioners. Learned counsel further submits that the petitioners are witnesses in Sessions Trial No 39 of 2021, arising out of Murliganj P.S. Case No. 92 of 2022 registered for the offences under Sections 302/34 of the Indian Penal Code which was lodged by one Sudhir Rishideo against the husband of the informant and others and for this reason the petitioners have been made accused in this case to harass them. Learned counsel further submits that altogether six persons have been made accused in the present case. The informant has not specifically stated about the accused who stabbed her. The informant was medically examined and injuries on her body were found to be simple in nature. Learned counsel further submits that for the occurrence of 17.07.2020 the FIR was instituted on 20.07.2020 without any satisfactory explanation which shows the fabrication of the case. Learned counsel further submits that co-accused Bauwa Rishideo and Lalit Rishideo have been granted bail vide order dated 09.11.2023 passed in Cr. Misc. No. 72728 of 2023 by a Co-ordinate Bench. The petitioners have got no criminal antecedent. The petitioners are in custody since 19.06.2023 and charge sheet has been submitted.



5. Learned APP vehemently opposes the submission made on behalf of the petitioners. Learned APP submits that the injury report of the informant shows penetrating injury caused by sharp instrument though he concedes that all the injuries are stated to be simple.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that there is general allegation against the petitioners and injuries are stated to be simple and further considering the grant of bail to co-accused persons and also considering the period of custody of the petitioners and submission of charge sheet, the petitioners above named, are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Madhepura/concerned court in connection with Murliganj P.S. Case No. 341 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present



on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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