

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14241 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- UDAKISHUNGANJ District- Madhepura

Birbal Rishidev Son of Kailu Rishideo Resident of Village- Laxmipur, Ward
No. 21, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with S.T. No.
261 of 2023, Udakishunganj P.S. case No. 25 of 2023 instituted
for the offences under Sections 302, 201/34 of the Indian Penal
Code.

3. The allegation against this petitioner is to commit
murder of son of informant along with other seven named co-
accused persons out of previous threat given by co-accused



persons including this petitioner. The dead body of the son of the informant was found hanging with a tree.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case merely on suspicion. Learned counsel further submitted that informant is not the eye-witness to the occurrence, where entire implication is based upon suspicion out of previous threat advanced by the co-accused persons. Charge-sheet has been submitted in this case. Similarly situated co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 08.09.2023 passed in Cr. Misc. No. 60096 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.07.2023 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with S.T. No. 261 of 2023 Udakishunganj P.S. case No. 25 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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