

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83598 of 2024

Arising Out of PS. Case No.-174 Year-2022 Thana- MURLIGANJ District- Madhepura

Kailash Rishidev @ Kailash Rishideo S/O Late Musho Rishidev R/O- Vill-
Rajni, Ward No. 13 and 17, P.S- Muraliganj, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection with Muraliganj P.S. Case No. 174 of 2022 lodged on 12.04.2022, for the offences punishable under sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, the F.I.R. has been lodged against two named accused persons, including the present petitioner, with the allegation that the informant's brother had gone to attend the Ramnavmi Mela along with his cousin, and near a petrol pump, the present petitioner, along with other unknown persons, conspired and killed the informant's brother.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. A bare reading of the F.I.R. reveals that the petitioner is not an eyewitness to the occurrence, and his name has been inserted merely on the basis of suspicion. It is further submitted that, according to a statement in the F.I.R. by a lady witness, the informant was allegedly in love affair with the daughter of co-accused Mahendra Sharma, and due to this reason, a conspiracy was allegedly hatched resulting in the murder. Learned counsel fairly admits that the petitioner is also an accused in another criminal case.

5. Learned APP for the State opposes the prayer for bail and submits that the case diary was called for on earlier occasions. Upon perusal, it appears that there is no eyewitness to the incident and the petitioner's name has surfaced only on the basis of suspicion. It is further submitted that apart from the allegation of conspiracy, there is no substantive material against the petitioner. It is also noted that in the supplementary charge sheet, the inclusion of the names of other individuals has been recommended.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender



before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhepura, in connection with Muraliganj P.S. Case No. 174 of 2022, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

7. It is made clear that at the time of furnishing the bail bonds, the petitioner shall satisfy the Court that he is not absconding in connection with Murliganj P.S. Case No. 103 of 2022, which is stated to be pending against him.

(Dr. Anshuman, J)

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