

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47361 of 2017

Arising Out of PS.Case No. -110 Year- 2014 Thana -PIRPAINTI District- BHAGALPUR

=====

Shiv Kumar Yadav, Son of Late Paran Yadav, Resident of village/Mohalla-
Faujdari, P.S.- Pirpainty, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-10-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Pirpainty P.S. Case No.110 of 2014 registered under Sections 302
and 201/34 of the Indian Penal Code.

The accusation is that on 01.05.2014 in the evening at
about 09.00 P.M., Kamleshwari Yadav, the elder brother-in-law of
the informant Indu Devi, his both sons Rajesh and Vijay Yadav,
this petitioner and Bindeshwari Yadav came at the house of the
informant and started to accompany her husband Anandi Yadav.
When the informant made query, Kamleshwri Yadav told that he
was being carried for mental treatment. Thereafter, while all of



them returned to their house but her husband did not return. When the informant asked from her elder brother-in-law Kamleshwari Yadav about her husband, he told that the treatment of her husband is going on and after treatment, her husband will come back. On 10.05.2014, Kamleshwari Yadav asked to Rajendra Yadav, another elder brother-in-law of the informant, for partition of the land, then Rajendra Yadav told him to come to Anandi Yadav, the husband of the informant, on which Bindeshwari Yadav told that Anandi Yadav had died. Thereafter, the informant alongwith her brother started to search her husband but he was not found.

Learned counsel for the petitioner submits that the petitioner is not the brother-in-law of the informant rather he is the gotiya of the informant. Due to ulterior motive, the petitioner has falsely been implicated in this case. Moreover, on investigation, the police has submitted final form against the petitioner, submitting the chargesheet against the rest accused but the Chief Judicial Magistrate, Bhagalpur, took the cognizance of the offence against the petitioner also. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or



surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in connection with Pirpainty P.S. Case No.110 of 2014, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

