

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21517 of 2019

Arising Out of PS. Case No.-11 Year-2016 Thana- ARIYARI District- Sheikhpura

NAGESHWAR YADAV Son of Late Preman Yadav Resident of Village-
Hussainabad, Police Station- Ariyari, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan Prasad No. 1

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-05-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Sessions Trial No. 10 of 2019 arising out of Arityari P.S. Case No. 11 of 2016**, instituted for the offence under Section(s) 302/34 of the Indian Penal Code.

As per prosecution case, on the date of occurrence, all the accused persons as named in the written report including petitioner assaulted husband of the informant who subsequently died.

Counsel for the petitioner submits that Police after investigation submitted final form against the petitioner finding the case not true against him, but court below has taken cognizance against the petitioner. He further submits that co-accused Ramesh Yadav has already been granted bail by coordinate Bench of this Court vide order dated 25.4.2018 passed in Cr. Misc. 22394 of 2018.



Counsel for the State after looking into the case diary has stated that in paragraphs 22 and 23 the statement of daughter-in-law and daughter of the deceased have been recorded wherein they have not alleged any overt act against the petitioner. The statement of independent witnesses have been recorded in paragraphs 32, 33 and 34 of the case diary wherein they have not alleged any specific overt act against the petitioner.

Petitioner is in custody since 19.1.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **1st Additional Sessions Judge, Sheikhpura,** in connection with **Sessions Trial No. 10 of 2019 arising out of Arityari P.S. Case No. 11 of 2016,** subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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