

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44583 of 2019

Arising Out of PS. Case No.-191 Year-2018 Thana- PIRPAINTI District- Bhagalpur

NIRBHAY YADAV @ ABHAY YADAV Son of Ramashish Yadav Resident
of Village - Banshichak Madan Gopali, P.S.- Pirpainty, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-07-2019

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Pirpainty P.S. Case No. 191 of 2018**, instituted for the offence under Section(s) 364/34, 302 and 201 of Indian Penal Code.

Prosecution case is that brother of the informant, Birendra Yadav, had gone to his *Sasural* for treatment of his child. His younger sister-in-law, Manisha Devi, made phone call at about 9:00 p.m. and informed that as soon as Birendra Yadav reached at Basa situated at Banshichak, the petitioner along with other four named accused persons and 3-4 unknown persons took him towards north east direction of Basa. When Manisha Devi tried to save him, she was also assaulted.

Counsel for the petitioner submits that Manisha Devi has given statement under Section 164 Cr. P.C., wherein, she has not alleged any specific overt act against the petitioner. She has only



stated that petitioner and other accused persons used to raise objection for performing her love marriage with the deceased.

Counsel for the petitioner further submits that wife of the deceased has given statement under Section 161 Cr. P.C., which is mentioned in para 4 of the case diary. She has not levelled any specific overt act against the petitioner in that statement. Co-accused Yugesh Yadav with similar allegation has already been granted bail by this Court vide order dated 16.5.2019 passed in Cr. Misc. 28739 of 2019.

Petitioner is in custody since 29.1.2019 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 **Additional Chief Judicial Magistrate-XI, Bhagalpur**, in connection with **Pirpanti P.S. Case No. 191 of 2018**, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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