

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1897 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- RANIGANJ District- Araria

NIRBHAY YADAV S/o Late Tek Narayan Yadav R/o Village- Baruahawa,
P.S.- Raniganj, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Binod Kumar Yadav
For the Opposite Party/s :	Mr.Renu Kumari
For the Informant :	Mr.Mrityunjay Kumar
	Ms.Shilpa Kumari

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Raniganj P.S. Case No. 228 of 2022, registered for the offences punishable under Sections 147, 148, 149, 302 of the IPC.

The informant of this case is father of the deceased Chhotu Kumar. As per allegation, one Arti Kumari called him on his mobile and asked him to rush immediately as her father, brother, brother-in-law, *bhabhi* (sister-in-law) and one Chandan Yadav were assaulting his son (son of the informant). On that information, he rushed there and saw that the accused persons



were assaulting his son and Pawan Yadav was touching electric wire to his body. His son died after sometime.

The learned counsel for the petitioner has submitted that he is innocent and has not been named in the FIR whereas, the persons, who assaulted the deceased, have specifically been named in the FIR. He has submitted further that the petitioner is co-villager and there was love and affection between Arti Kumari and the deceased. Hearing hue and cry, he rushed to the place of occurrence. His only role is that he was persuading the parties for marriage between the deceased and Arti Kumar and his bonafide effort was to pacify the dispute between them. He has also submitted that the statement of Arti Kumari was recorded under Section 164 of the Cr.P.C in which she has named specifically the persons, who assaulted the deceased. She has stated further that his brother-in-law (*jija*), co-accused Arun Yadav and Chandan Yadav came there and they all assaulted Chhotu Kumar (deceased). It has also been mentioned that the petitioner had given some medicines to Chhotu Kumar in injured condition, which shows that his intention was to save the deceased.

On the other hand, the learned APP has submitted that the bail petitions of other accused persons have been



rejected by the co-ordinate Benches of this Court and those accused persons were directed to renew their prayer for bail after three months from framing of the charges, to which the learned counsel for the petitioner has replied that the case of the petitioner is on better footing as there is no allegation of inflicting assault against the petitioner, whereas the accused persons, whose bail applications were rejected, have specific allegation that they had assaulted the deceased.

The petitioner, with bonafide intention, was attempting to persuade the parties to reconcile their disputes.

Considering the above-mentioned facts and circumstances as well as the clean antecedent, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Raniganj P.S. Case No. 228 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the



prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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