

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12226 of 2023

Arising Out of PS. Case No.-137 Year-2006 Thana- DINARA District- Rohtas

Uma Shankar Yadav S/o Late Bihari Singh R/o village- Deyadaha, P.S.-
Dinara, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
10.07.2022, in connection with Dinara P.S. Case No. 137 of 2006,
F.I.R. dated 05.08.2006 registered for the offences punishable
under Sections 302, 34 of the Indian Penal Code.

3. The F.I.R. of the occurrence of murder is against
unknown.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the
petitioner has been transpired during investigation on the basis
of the statement of the witnesses which was recorded in



paragraph nos. 51, 52 and 53 of the supplementary case diary. He further submits that other co-accused persons namely Vijay Shankar Noniya and Nand Kishor Yadav have been acquitted by the learned trial Court in Sessions Trial No. 512 of 2007 by the court of learned Adhoc/F.T.C.-I, Sasaram vide judgment/order dated 20.05.2014 and the petitioner is in custody since 10.07.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was absconder since long time and there is specific allegation against the petitioner in paragraph nos. 51, 52 and 53 of the supplementary case diary that the petitioner was also involved in the present crime in question but fairly submits that the other co-accused persons have been acquitted by the learned trial court.

6. Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bikramganj, District- Rohtas in connection with Dinara P.S. Case No. 137 of 2006, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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