

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42056 of 2023

Arising Out of PS. Case No.-153 Year-2021 Thana- KALUAHI District- Madhubani

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DIBAKAR YADAV @ DIBAKAR KUMAR @ DIWAKAR YADAV @
UMESH YADAV Son of Sri Hari Yadav Resident of village-Chhapradhi
(Chhpara-dih), P.S.-Khajauli, District-Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13, Adv. Mr. Rohit Kumar, Adv. Mrs. Priti Kumari, Adv.
For the Opposite Party/s :		Mr.Syed Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kaluahi P.S. Case No. 153 of 2021 dated 13.10.2021 registered for the offences punishable u/s 302 read with section 34 of the Indian Penal Code and 25(1-b)a, 27 of the Arms Act.

3. As per the prosecution case, it is alleged that the petitioner and co-accused persons Ganaur Yadav and Pappu Yadav came and caught hold of the husband of the informant and the petitioner Dibakar Yadav @ Umesh Yadav and co-accused Ganaur Yadav shot her husband dead.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on account of Panchayat politics. Nothing incriminating material has been recovered from the conscious possession of the petitioner. It has further submitted that the trial has not been concluded within a period of 9 months. The trial will take more time for its conclusion. It has further submitted that there is general and omnibus allegation against the petitioner. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 15.11.2021.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the bail petition of the petitioner was earlier rejected by this Court with a direction to expedite the trial and conclude the same within a period of 9 months.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Kaluahi P.S. Case



No. 153 of 2021 with the condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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