

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49421 of 2023

Arising Out of PS. Case No.-1089 Year-2022 Thana- TURKAULIYA District- East
Champaran

Uma Shankar Rai @ Uma Shankar Prasad Yadav, Son of Thaga Rai, Resident
of Village - Gokhula, P.S. - Banjariya, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Turkauliya (Banjariya) P.S. Case No.1089 of 2022
registered for the offences punishable under Sections 341, 323
and 307 read with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 07.01.2023.

4. Allegation against the petitioner is to open fire
upon the informant and others causing firearm injuries, having
intention to cause their death, where occurrence arises out of
long standing land dispute.

5. It is submitted by learned counsel that petitioner
has been falsely implicated with present case out of land



dispute. It is pointed out that the allegation of firing is specifically available against co-accused, Saroj Rai and not against this petitioner. While concluding argument, it is submitted that the petitioner found involved in nine more criminal cases, where he has already acquitted in three cases and moreover investigation of this case has been completed for which, charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as allegation of firing is specifically available against co-accused Saroj Rai and not against this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 07.01.2023, accordingly, the petitioner, above-named, is directed to 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 the learned Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya (Banjaria) P.S. Case No.1089 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and



with further conditions:-

(i) That petitioner shall not involve in any nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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