

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64490 of 2023

Arising Out of PS. Case No.-135 Year-2013 Thana- KONCH District- Gaya

Umesh Yadav Son Of Late Raghu Yadav @ Late Raju Yadav Resident Of
Village - Khaire, P.S. - Konch, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Manisha Prakash, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Konch P.S. Case No. 135 of 2013 lodged on 05.05.2023 under
Sections 147/148/149/302 of the Indian Penal Code, Section 27
of the Arms Act and Section 17 of the C.L.A. Act.

3. As per the prosecution case, there is specific
allegation against the petitioner and one Lakshman Yadav who
fired gunshot on the husband of the informant.

4. Learned counsel for the petitioner submits that the
specific allegation is against two persons, namely, Lakshman
Yadav and Umesh Yadav to make gunshot upon the husband of
the informant, but there is only one injury according to the post
mortem report conducted on the body of the deceased. Counsel



submits that the other co-accused Lakshman Yadav has been granted bail by a coordinate Bench of this Court vide order dated 16.05.2018 passed in Cr. Misc. No.26932 of 2018. Counsel further submits that charges have already been framed and petitioner is in custody since 20.06.2015 i.e., near about 8 years have been crossed. Counsel for the petitioner submits that there is 8 criminal cases pending against the petitioner in which in five cases he is on bail, in one case he has been acquitted and in two cases his prayer for bail is pending.

5. Learned counsel for the State opposes the prayer for bail but submits that it is true that in this case the petitioner is in custody since 2015 and 8 years have been crossed.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Gaya, in connection with S.T. No.304 of 2016, arising out of Konch P.S. Case No.135/2013, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear before the concerned police station every month for one year to mark attendance after coming out from jail;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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