

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40325 of 2024

Arising Out of PS. Case No.-14 Year-2013 Thana- ADHAOURA District- Kaimur (Bhabua)

Uma Kharwar @ Uma Shankar Singh Kharwar @ Uma Singh Kharwar S/O
Late Doma Singh Kharwar R/O Village - Ghumardeo, P.S. - Chainpur,
District - Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Kumar Sunil, learned counsel for the

petitioner and Mr. Anil Kumar Singh No.1, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
13.03.2024, in connection with Adhaura P.S. Case No. 14 of
2023, FIR dated 19.06.2013 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
earlier the petitioner was granted the privilege of anticipatory
bail by a Co-ordinate Bench of this Court vide order dated
04.08.2015 passed in Cr. Misc. No. 47914 of 2024 but the
petitioner has not surrendered within the time stipulated in the
order dated 04.08.2015. He further submits that due to



communication gap the petitioner has not surrendered and when he came to know about the aforesaid, he has surrendered on 13.03.2024. He further submits that from a bare perusal of the FIR it appears that although the petitioner is named in the FIR but there is no specific allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused person, namely, Chandan Prajapati has been granted regular bail vide Cr. Misc. No. 42576 of 2013 and co-accused person, namely, Dhanwanti Devi @ Dhanwanti Devi has been granted bail vide Cr. Misc. No. 40602 of 2013 by a Co-ordinate Bench of this Court by a common order dated 25.02.2014. The petitioner is rotting in judicial custody since 13.03.2024.

4. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

5. Considering the aforesaid facts, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Kaimur (Bhabua) in connection with Adhaura P.S. Case No. 14 of 2013 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 antecedent, 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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