

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4571 of 2024

Arising Out of PS. Case No.-300 Year-2022 Thana- FATEHPUR District- Gaya

Umesh Yadav @ Umesh Prasad S/O Shankar Yadav R/O Village- Nodiha,
Jhurang, P.S- Fatehpur, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Santosh Ravidas Late Munni Yadav Village Bhaluani PS Fatehpur District
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate
For the State : Mr. Binay Krishna, SP PP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-12-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 27.08.2024, passed by learned Exclusive Special Judge, SC/ST, Gaya, in connection with B.P. No. 2692 of 2024 arising out of Fatehpur P.S. Case No.300 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 3(2)(V) of SC/ST Act, whereby bail has been denied to the appellant.

3. The prosecution case as emerging from the FIR is that co-ccused Sibbu Yadav is alleged to have been in illicit relationship with one Punam Devi. Moreover, Sudhir Yadav



died in the way to hospital in a clash between both the parties.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He refers to the First Information Report and points out that there is no specific allegation of assault against the appellant to assault the deceased. He further submits that similarly situated co-accused Sibu Yadav and Kamta Yadav have already been enlarged on bail by this Court as well as a co-ordinate Bench of this Court vide orders dated 07.05.2024 and 19.04.2023 passed in Cr. Appeal (SJ) No. 1837 of 2024 and 3788 of 2022 respectively.

5. He further submits that the appellant has been languishing in jail since 14.08.2024.

6. It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the appeal that the appellant has moved this Court earlier for bail Vide Cr. Appeal (SJ) No. 4353 of 2022 which was dismissed by this Court on 12.07.2024.

8. However, learned Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

9. Considering the aforesaid facts and circumstances,



the appeal is allowed, setting aside the impugned order dated 27.08.2024, passed by learned Exclusive Special Judge, SC/ST, Gaya, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, in connection with B.P. No. 2692 of 2024 arising out of Fatehpur P.S. Case No 300 of 2022 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the learned trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his



criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the learned trial court shall cancel the bail bonds of the appellant.

(Jitendra Kumar, J)

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