

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24164 of 2025

Arising Out of PS. Case No.-37 Year-2024 Thana- SHANKARPUR District- Madhepura

Umanand Yadav @ Bhulan Yadav Son of Late Dhruv Yadav Resident of
Village - Kabiya, Ward No.11, P.S. - Shankarpur, District – Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Shankarpur P.S. Case No. 37 of 2024 registered for the alleged offences under Sections 302/34 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons assaulted the brother of the informant and co-accused put acid in the eyes and mouth of the brother of the informant. The brother of the informant died while being taken to the hospital.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged with completely false and



concocted allegation as prior to the alleged occurrence, one Rajkumari Devi has lodged Shankarpur P.S. Case No. 36 of 2024, wherein she stated that her husband was assaulted by the deceased brother of the informant of the present case and other co-accused persons who indiscriminately fired upon the husband of Rajkumari Devi, killing him on spot. When one Rajkishor Yadav tried to save him, he was also fired upon and received gun shot injury. Thereafter, public assembled there and tried to catch-hold of the assailants and the brother of the informant was apprehended and was given a thrashing by the people who assembled there. Subsequently, the brother of the informant died. In order to wreak vengeance, the informant has falsely implicated the petitioner and other co-accused persons. Considering these facts and circumstances, learned Co-ordinate Bench of this Court vide order dated 02.12.2024 passed in Criminal Misc. No. 63375 of 2024 and order dated 22.01.2025 passed in Criminal Misc. No. 63744 of 2024 has granted bail to similarly placed co-accused persons, Upendra yadav and Baljit Yadav, respectively. Learned counsel further submits that from the FIR of Shankarpur P.S. Case No. 36 of 2024, it is also evident that the brother of the informant was in police custody so, the allegation that the petitioner and other co-accused



persons assaulting him is completely false. Learned counsel further submits that the petitioner is having antecedent of two cases and he is on bail in both the cases. The petitioner is in custody since 14.01.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that specific allegation against the petitioner and co-accused persons is that they brutally assaulted the brother of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the counter versions and further considering the possibility of false accusation against the petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhepura in connection with Shankarpur P.S. Case No. 37 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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