

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29579 of 2025

Arising Out of PS. Case No.-48 Year-2010 Thana- DHANGAI District- Bhojpur

Umesh Yadav S/o Late Shivkashi Yadav R/o Village- Sri Rampur
(Shriurampur), P.S.- Krishnagarh, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-08-2025 Heard the parties.

2. The petitioner is in custody in connection with Dhangai P.S. Case No. 48 of 2010 for the offence punishable under Sections 394, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 10.08.2010 by the informant, Manoj Kumar Paswan.

3. As per the prosecution story, the informant alleged that his cousin brother was working in Alchemist company who was shot dead by unknown persons on 10.08.2010. This led to the FIR.

4. Subsequently, during investigation, the role of the petitioner surfaced, he was taken into custody, got bail on 20.04.2011. However, as he failed to appear before the Trial Court, it got cancelled on 29.10.2013.



5. Subsequently, he was granted bail and as per the record, he again defaulted as a result on 02.08.2019, once again, the bail bond was cancelled. The petitioner chose his own time and six years later, on 27.03.2025, has come into judicial custody.

6. Learned counsel for the petitioner submits that under bona fide belief that his case is being taken care of by the lawyer, he went to other State in search of livelihood, under no circumstance, he shall be absent, on the date, the Trial Court takes up the trial. Failure to do so, even once, it be recorded that till trial, he shall not be entitled for bail.

7. Learned APP opposes the prayer for bail submitting that it is the case of killing of the brother of the informant in the year 2010 and due to the attitude of the petitioner, the trial has lingered for last fifteen years.

8. At first stage, this Court was not inclined to extend him bail the relief as his conduct is to escape once the bail is granted but as the petitioner has given a clear undertaking that in case this time he defaults, this be treated as a last chance and till the trial is concluded, he be not allowed to seek bail, accepting his words as also the undertaking that on each and every date, he shall be appearing before the trial Court and



failure to do so, on the very first day, the trial Court shall take steps for cancellation of his bail bond, in that background, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-07, Bhojpur at Ara/concerned Court in connection with Dhangai P.S. Case No. 48 of 2010 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for a single date without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his attendance and the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;



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

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

(Rajiv Roy, J)

Adnan/-

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