

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68461 of 2025**

Arising Out of PS. Case No.-70 Year-1999 Thana- KHIJARSARAI District- Gaya

Umesh Yadav S/o Late Devnandan Yadav R/o Village - Nadra, P.S -  
Khizersarai, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Soni Kumari, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      28-11-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Sessions Trial No. 372 of 2002 arising out of Khizersarai P.S.  
Case No. 70 of 1999 instituted for the offences under Section  
396 of the Indian Penal Code.

3. As per prosecution case, some unknown criminals  
committed *dacoity* and murdered the Informant's father.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence as alleged  
against him and has falsely been implicated in the present case  
due to village politics and personal grudge of the local people.  
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the five accused persons including the petitioner for offence under Section 396 of the Indian Penal Code. Learned counsel further submitted that charge has already framed in this case and three witnesses have also been examined. Learned counsel further submitted that petitioner is in custody since 30.11.2024 and has no criminal antecedent.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature and the prayer for grant of bail of co-accused has already been rejected by this Bench vide order dated 20.08.2025 passed in Cr. Misc. No. 55837 of 2025.

6. Having heard the learned counsel for the parties, since the trial is already in progress, this Court is not inclined to grant bail to the petitioner at this stage. Reliance in this connection may be made to the decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph no. 14, the Hon'ble



Apex Court has held as under:

*“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”*

7. Considering the aforesaid facts and circumstances of the case as also the present stage of the trial, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

9. Learned Trial Court is directed to expedite the trial. If the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the learned court below.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

