

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73231 of 2024

Arising Out of PS. Case No.-29 Year-2016 Thana- DEV District- Aurangabad

Umesh Yadav S/O Late Karmdeo Yadav R/O Village- Nakti, P.S- Deo,
District- Aurangabad. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Ms.Mukul Kumari, Advocate
For the Opposite Party/s	:	Mr.Lakshmi Kant Sharma, APP
For the Informant	:	Mr.Jagjit Roshan, Advocate
	:	Mr. Anjani Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 27-02-2025 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. The petitioner has renewed his prayer for regular bail in connection with Sessions Trial No. 258A/2017/126/2023 arising out of Deo PS case no. 29 of 2016 instituted for the offences punishable under Sections 147, 148, 149, 302, 120(B) of the Indian Penal Code, Section 27 of Arms Act and Section 17 of C.L.A. Act.
3. The prosecution case, as per the First Information Report, is that on 21.05.2016, while the informant and 20 others were canvassing in favour of Manoj Singh (deceased), who was candidate of Mukhia election and when they reached near the village- Singhwa, in the meanwhile, nine persons came on three motorcycles having A.K. 47 rifle and the petitioner along with



co-accused Surendra Yadav fired upon the son-in-law of the informant namely Manoj Singh, due to which, he died on the spot.

4. Learned counsel for the petitioner submits that petitioner has been made accused due to political rivalry, however there was dispute between co-accused Surendra Yadav and the deceased. Learned counsel further submits that during investigation, no material has come against the petitioner. He also submits that the regular bail of the petitioner was rejected by a co-ordinate Bench of this Court vide order dated 05.12.2023, passed in Cr. Misc. No. 31475 of 2023, with a direction to the trial court to expedite the trial and conclude the same as soon as possible.

5. Mr. Jagjit Roshan, learned counsel for the informant vehemently opposed the prayer for bail and submits that seven bullet injuries were found on the body of the deceased and there is specific allegation upon the petitioner and other co-accused Surendra Yadav. The said Surendra Yadav was not granted bail during course of trial and his regular bail was rejected four times and subsequently, in the trial, he was convicted for life. In appeal, the bail application moved by the said co-accused under Section 389(2) Cr.P.C. was also rejected.



The co-accused was taken in custody within 10-15 days of the occurrence, in the year 2016. Learned counsel further submits that the Police was going soft in favour of the petitioner and was not conducting proper investigation against the petitioner, for which, criminal writ petition was filed by the informant bearing Cr.W.J.C. No. 300 of 2017. It was on the direction of the Hon'ble High Court that investigation progressed and charge-sheet was filed. He surrendered on 18.10.2022. Due to delay in starting investigation against the petitioner, the trial was bifurcated and a separate trail has been initiated against the petitioner.

6. This Court had called for a report from the learned Chief Judicial Magistrate, Aurangabad regarding the present stage of the trial and in pursuance thereof, learned A.D.J.-VII, Aurangabad furnished the report stating therein that out of 27 charge-sheet witnesses, two witnesses have been examined and the trial is likely to be concluded within nine months.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation and the fact that the petitioner is the main assailant having one criminal antecedent, I am not inclined to grant regular bail to the petitioner, for the present. Accordingly, the present petition



stands dismissed, however petitioner may renew his prayer for regular bail after nine months, if the trial does not show any substantial progress.

8. With the aforesaid observations and directions, the present application is disposed off.

(Anil Kumar Sinha, J)

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