

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6 of 2025

Arising Out of PS. Case No.-638 Year-2018 Thana- BARACHATTI District- Gaya

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UMESH YADAV Son of Mahavir Yadav Resident of Village - Revda, P.S.-
Barachatti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2025 Heard Mr.Sanjay Kumar Sinha, learned counsel for

the petitioner and Ms.Sharda Kumari, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barachatti P.S. Case No.638 of 2018, dated 25.09.2018 registered for the offences punishable under Sections 302,120(B) and 34 of IPC.

3. According to prosecution case, the allegation against the petitioner is that he alongwith other co-accused persons entered into a criminal conspiracy and in pursuance of the said criminal conspiracy he alongwith other co-accused persons have committed murder of the husband of the informant.

4. Learned counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is specific allegation of firing is attributed against co-accused person, namely, Shankar Yadav and at best the petitioner may be a member of the mob.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid facts, there is no specific allegation of any assault or overt-act attributed against the petitioner and specific allegation of firing is attributed against co-accused person, namely, Shankar Yadav, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sherghati, Gaya in connection with Barachatti P.S. Case No.638 of 2018, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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