

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34878 of 2026

Arising Out of PS. Case No.-580 Year-2023 Thana- MADHEPURA District- Madhepura

Uma Shankar Yadav @ Uma Shankar Kumar S/o Late Shailendra Yadav @
Shalendra Yadav R/o Village- Turkahi, P.S.-Bharrahi, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Deepak Kumar Singh, Adv. Mr. Suresh Prasad Singh, Adv. Mr. Shailendra Kumar Singh, Adv. Mr. Ashok Kumar Singh, Adv.
For the Opposite Party/s :	Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-06-2026 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 417 of 2023, arising out of Madhepura (Bharrahi) P.S. Case No. 580 of 2023, registered for the offence punishable under Sections 304(B) & 302 of the Indian Penal Code.

3. This is the second attempt made on behalf of the petitioner, as earlier the prayer for bail of the petitioner was turned down by this Court on 27.09.2024 in Cr. Misc. No. 55759 of 2024, after considering the specific nature of accusation of causing *dabia* blow, resultantly instantaneous



death duly corroborated by post-mortem report, as also the fact that the petitioner is the husband of the deceased.

4. Learned Advocate for the petitioner submitted that though the prayer for bail of the petitioner was rejected on merit and, as such, he is not pressing the bail application for consideration of the bail application especially on merit but certain subsequent development which has taken during the course of trial cannot be ignored, even for the consideration of the present application. It is submitted that the entire case of the prosecution is based upon the statement of the minor son but during the course of trial, he has categorically stated in his cross examination that on the alleged date of occurrence, his father was not even present in the house. It is further contended that now all the prosecution witnesses have been examined and since the prosecution has failed to prove the charges, keeping the petitioner behind the bar would serve no further purpose.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that now all the prosecution witnesses have been examined, there is every likelihood that the trial shall be concluded expeditiously within a reasonable period. It is further contended that the prayer for the bail of the petitioner has already been rejected, considering



that he gave the fatal blow by means of *dabia*, there is no cogent reason to re-consider the prayer for bail afresh.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the prayer for bail of the petitioner has already been rejected, after considering all the merits of the case, this Court is not persuaded to consider the bail application of the petitioner afresh on merit.

7. However, this Court finds that presently all the prosecution witnesses have been examined and there is every likelihood that the trial shall be concluded in near future, it is expected that the learned trial Court shall take all endeavor to conclude the trial as early as possible, since the petitioner has been incarcerated continuously for three years.

8. In case, there would be any inordinate delay in disposal of the trial, the petitioner shall be at liberty to move before this Court.

9. With the aforesaid observation, the present bail application stands dismissed.

(Harish Kumar, J)

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