

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57887 of 2025

Arising Out of PS. Case No.-67 Year-2012 Thana- BAUNSI District- Banka

Shambhu Yadav S/o Shaligram Yadav Resident of Village - Belsira, P.S. -
Shambhuganj, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 10-03-2026 Heard Mr. Sudhir Kumar Mishra, learned counsel
for the petitioner as well as Mr. Anuj Kumar Shrivastava,
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.01.2025 in connection with Bounsi P.S. Case No. 67 of 2012,
F.I.R. dated 13.05.2012 for the offences punishable under
Sections 302, 201, 120(b)/34 of the Indian Penal Code.

3. According to prosecution case, the informant
alleged that three unknown persons dragged his brother from the
truck and took him towards the hill and on 13.05.2012, the dead
body of his brother was found.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation levelled against



the petitioner is false and fabricated. Infact the petitioner is not named in the FIR and his named transpired during investigation on the basis of confessional statement of co-accused person, namely, Phulchand Yadav which is recorded in paragraph-120 of the case diary and the said Phulchand Yadav has been acquitted by the learned trial Court on 25.11.2014 vide S.T. No. 366 of 2013. He next submits that except the confessional statement of co-accused person, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.01.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned C.J.M., Banka in connection with Bounsi P.S. Case No. 67 of 2012, subject to the 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 absence on two consecutive dates without sufficient reason, his 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 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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