

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.216 of 2026

Arising Out of PS. Case No.-51 Year-2010 Thana- NAUHATTA District- Rohtas

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Upendra Yadav S/O Late Shiv Prasad Yadav @ Jhanjhat Yadav R/O Village-
Pandu, P.S- Nauhatta, District- Rohtas at present R/O Village- Nandusiyara,
P.S- Chenari, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 01-04-2026 Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Nauhatta P.S. Case no. 51 of 2010 registered under sections 302, 324 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the four named accused persons including the petitioner herein came variously armed with *lathi*, *tangi*, *garasa*, etc and as a result of indiscriminate assault by them on the brother of the informant, the brother of the informant died.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of prior dispute between the parties. The manner of occurrence is other than



what has been narrated in the FIR. The petitioner had remained in custody from 15.11.2010 to 24.1.2012 and is again in custody from 16.5.2025 till the present date. The witnesses who have been examined have mainly been declared hostile. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State who submits that the petitioner had escaped from custody just a few days prior to grant of bail on the first occasion and absconded for nearly 13 years till he was again taken into custody on 16.5.2025. It is for this reason that the trial could not proceed. He is named in the FIR and there is allegation against him along with others of having assaulted the deceased.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 9.3.2026, the examination of witnesses as also the argument on behalf of the prosecution has concluded. For conclusion of the trial, as per the report, only the defence argument needs to conclude.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, the petitioner having escaped from judicial custody and having remained at large for 13 years when he was taken into



custody only on 16.5.2025 together with the progress in the trial in the learned trial Court wherein even the prosecution argument has concluded, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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