

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.841 of 2016

Arising Out of PS.Case No. -184 Year- 2014 Thana -DIDARGANJ District- PATNA

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Bharat Singh Yadav @ Bharat Singh, son of Niranjan Singh Yadav, resident
of Village-Sonawan, P.S.-Didarganj, District-Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bibhakar Tiwary -Advocate

For the Respondent/s : Mr. Binay Krishna-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 22-02-2017 Heard learned counsel for the appellant as well as
learned Special Public Prosecutor.

On account of refusal of bail vide order dated
04.07.2016 by the 1st Additional Sessions Judge-cum-Special
Judge, S.C./S.T. (Prevention of Atrocities) Act, Patna, instant
appeal has been preferred under Section 14A of the Act.

On account of non-providing of rangdari amount
appertaining to Rs.50,000/- to the accused persons by the
prosecution party, it has been alleged that on 02.10.2014 at about
11.30 p.m., Rajdev Singh Yadav, Bharat Singh Yadav and Uttam
Singh Yadav knocked the door and further, called upon to open
the same. His son Anil Kumar Das opened the door, no sooner
than, Lal Bihari Singh Yadav, Uttam Singh Yadav caught hold
and Bharat Singh Yadav (petitioner), Rajdev Singh Yadav began



to give Chhura blow. Anyhow, his son came out of their grip, ran raising alarm Bachao Bachao, after covering some distance, he fell near the house of Shiv Bharat Das. On his cry, so many persons assembled, out of them, Ram Chandar Ram made query whereupon Anil Kumar Das disclosed that Rajdev, Bharat have assaulted him with Chhura and during said course, Lal Bihari Singh Yadav, Uttam Singh Yadav have caught hold him. At that very moment, Nagina Singh, Niranjana Singh, Pyare Singh, Ranjit Singh, Ajay Singh, Sanjay Singh Yadav were also present and were provoking.

Contention on behalf of appellant is that the allegation whatever been attributed against the appellant happens to be false in the background of the fact that the mother of the victim, the brother of the victim did not probablise the prosecution version. Consequent thereupon, appellant should be released on bail.

On the other hand, learned Special Public Prosecutor opposed the prayer.

From the post mortem report, it is evident that deceased had sustained seven incised injuries at different parts of body, which was found sufficient to cause death. Apart from this, from the case diary, it is evident that there happens to be



consistent version at the end of the prosecution witnesses over dying declaration having been made by the deceased Anil Kumar Das, which for the present goes out of meticulous scrutiny.

That being so, prayer for bail is refused. Consequent thereupon, appeal is dismissed.

(Aditya Kumar Trivedi, J)

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