

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1528 of 2017

Arising Out of PS.Case No. -152 Year- 2015 Thana -DHARHARA District- MUNGER

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Khajo Yadav, Son of Late Misri Yadav, Resident of village- Pachrukhi
(Kudartabad), P.S.- Dharhara, District- Munger.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Advocate

For the Respondent/s : Mrs. Usha Kumari No-1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 02-08-2017

This appeal is directed against the order dated 25.04.2017 passed by the learned Additional District Judge-1st - cum-Special Court, Munger in G.R. No.1852 of 2015 arising out of Dharhara P.S. Case No.152 of 2015 registered for the offences under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 3(x)(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the prayer for bail of the appellant was rejected.

The prayer for bail of the appellant was rejected by this Court vide order dated 06.06.2016.

It has been submitted by the learned counsel for the appellant that out of the three witnesses examined during trial, the informant has not identified the appellant in the court and the



two others have turned hostile. He has contended that some of the other co-accused persons having more or less identical allegation have already been granted bail.

On the other hand, learned counsel for the State has submitted that it is a case of multiple murder in which active participation of the appellant was found during investigation of the case. She has further contended that it was the appellant on whose statement the blood stained weapon of crime was recovered from the house of co-accused Phulchand Yadav.

Considering the gravity of the offence and stage of the trial, I am not inclined to grant bail to the appellant for the present.

In case the trial is not concluded within nine months from the date of receipt/production of a copy of the order, the appellant would be at liberty to pray for bail before the court below itself.

The appeal is dismissed.

(Ashwani Kumar Singh, J.)

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