

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3693 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- DHARHARA District- Munger

Santosh Yadav, Son of Lalit Yadav, Resident of Village - Bari Govindpur,
P.S.- Dharhara, Distt.- Munger

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jyoti Ranjan Jha
For the State	:	Mrs.Usha Kumari 1, Spl. P.P.
For the Informant	:	Mr. Raj Kumar Choudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 16-12-2019 Heard learned counsel for the appellant, learned Spl.
P.P. for the State and learned counsel for the informant.

The appellant in this case is challenging the order dated 10.04.2019 passed by learned Special Judge-cum-A.D.J.-I Munger in connection with Dharhara P.S. Case No.21 of 2019 registered for the offences punishable under Sections 302, 452, 120B/34 of the Indian Penal Code and Section 3(i)(r)(s) and 3(2)(V) of Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 whereby and whereunder the learned court below has been pleased to reject the regular bail petition filed by the appellant.

Learned counsel for the appellant submits that the name of the appellant has been involved in this case on mere suspicion and out of enmity.

On the other hand, learned Spl. P.P. for the State



submits that the appellant has been specifically named in the FIR as one of the main assailants who had fired from his pistol and killed the brother of the informant. He has also brought to the notice of this Court that the appellant has got criminal antecedent inasmuch as at least four cases of serious nature are pending against him and further that the trial of the present case is going on and at this stage if he is released on bail there is every possibility that prosecution witnesses would be threatened and trial would not be concluded fairly. He has also brought to the notice of this Court an order passed by the learned coordinate Bench of this Court in the case of Vyas Yadav and Bikas Yadav, the co-accused who are similarly situated to this appellant and whose prayer for regular bail has been rejected by this Court.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that there are specific allegations against the appellant and his case stands on similar footing with that of Vyas Yadav and Bikas Yadav whose prayer for regular bail has been rejected by the learned coordinate Bench of this Court, the trial is going on and there being criminal antecedent of this appellant, this Court is of the opinion that his release at this stage would interfere with the course of trial.



This appeal is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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