

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5330 of 2019**

Arising Out of PS. Case No.-245 Year-2019 Thana- BALIYA District- Begusarai

Prabhu Yadav Son of Late Panchu Yadav Resident of Village - Mathurapur,
Ward No. 01, P.S.- Ballia, Distt - Begusarai.

... .. Appellant

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 19-12-2019 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present appeal, is challenging the order dated 22.10.2019 passed in connection with Ballia P.S. Case No. 245 of 2019 registered under Sections 302, 504, 323, 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for regular bail of the appellant has been rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act, Begusarai.

Learned counsel for the appellant submits that the appellant is innocent and he has committed no offence. It is further submitted that the allegation of firing is general and



omnibus in nature against the four accused persons including this appellant. Nothing specific allegation has been alleged against the appellant by the informant. No motive of the accused persons to kill sister of the informant, it is simply an accidental case.

Learned Spl.P.P. for the State has opposed the prayer for regular bail of the appellant.

Considering the facts and circumstances of the case, where it has come in the written statement of the informant in course of investigation that it is this petitioner who was firing from his pistol and in course of hearing when the sister of informant came there and protested him, she was killed by this petitioner by putting the pistol in the temporal region of the victim. Petitioner being a main assailant and direct allegation against him, this Court would not interfere with the impugned order.

The appeal is, thus, dismissed.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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