

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1374 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- AAYAR District- Bhojpur

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1. Kesho Prasad @ Kesho Prasad Yadav Son of Late Dev Saran Yadav Resident of Village- Baligaon, P.S.- Aayar, District- Bhojpur.
 2. Jitendra Kumar Yadav @ Sikam Son of Kesho Prasad Yadav Resident of Village- Baligaon, P.S.- Aayar, District- Bhojpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr.Adv. Mr.Rakesh Kumar Sharma
For the Respondent/s	:	Mr.Spl.P.P. Mr. Rajendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 21-09-2020 Heard learned counsel for the appellants, learned Special P.P. as well as learned counsel for the informant through video conferencing.

The present appeal has been filed against the order dated 21-05-2020 passed by learned 1st Additional Sessions Judge, Bhojpur, Ara in SC/ST Case No. 35 of 2020 (arising out of Aayar P.S. Case No. 14 of 2020, G.R. No. 673 of 2020) registered for the offence punishable under Section 363 IPC, thereafter, on 17-02-2020, Sections 302, 201, 120B/34 of the Indian Penal Code and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act were added, whereby and whereunder, the prayer for bail of appellants was rejected.



As per prosecution case, on 14-02-2020 at 5:00 AM, son of the informant aged about 15 years went to attend call of nature, but he did not return till 10:00 AM. Thereafter, informant started searching him, but informant's son could not be traced.

It is submitted on behalf of appellants that appellants have been falsely implicated in this case. It is further submitted that name of appellants transpired on the confessional statement of co-accused Dhanji Yadav and Anil Kumar Yadav. Save and except confessional statement, there is nothing against these appellants to show complicity in the aforesaid occurrence. The appellants are in custody since 17-02-2020.

However, learned counsel for the informant has vehemently opposed the prayer for bail of appellants and submitted that though FIR has been lodged against unknown, but during course of investigation, name of these appellants has surfaced. There is ample evidence in the case diary that these two appellants alongwith other family members have actively participated in the murder of deceased.

Considering the aforesaid facts & circumstances as well as material available on record, it appears to be a case of honour killing. I do not want to interfere with the order of learned 1st Additional Sessions Judge, Bhojpur, by which, the prayer for



bail of appellants was rejected.

Accordingly, the appeal stands dismissed.

(Prabhat Kumar Singh, J.)

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