

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1724 of 2020

Arising Out of PS. Case No.-235 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

Nagendra Yadav Son of Late Ranji Yadav Resident of Village- Chitkundi,
P.S.- Ara (Muffasil), District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiv Prasad Gupta, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 14-12-2020 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 20.3.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur at Ara whereby the prayer for bail of the appellant in connection with Ara Mufassil P.S. Case No. 235 of 2018 registered under sections 302, 147, 148, 149 and 120B of the Indian Penal Code, section 27 of the Arms Act and section 3(1)(r)(s) and section 3(2)(va) of the SC and ST (Prevention of Atrocities) Act, 1989, was rejected.

As per allegation in the F.I.R. the appellant is stated to have abused the husband of the informant in the name of his caste and it is further stated that he shot the husband of the informant with a country made pistol in his head.



It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in the case due to village politics. He is in custody since 6.12.2018 and has no criminal antecedent. It is submitted that no overt act has been committed by the appellant and no case under the SC and ST Act is made out against him. Further a number of co-accused persons have been enlarged on bail, one of the orders having been brought on record as Annexure-2 to the memo of appeal.

The appeal is opposed by learned Spl.P.P. for the State.

Case diary called for in the case has been received.

Having heard learned counsel for the parties and taking into consideration the allegation against the appellant of having shot with his country made pistol in the head of the husband of the informant and which allegation is supported by the postmortem report, the Court is not inclined to allow the appeal.

The appeal stands rejected.

(Partha Sarthy, J)

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