

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5838 of 2019**

Arising Out of PS. Case No.-102 Year-2019 Thana- MORKAHI District- Khagaria

Rajesh Yadav @ Chhedi Yadav, Son of Late Botal Prasad Yadav, Resident of
Village- Sabalpur, P.O. and P.S.- Morkahi, District- Khagaria, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Siddhartha Prasad, Advocate
For the State	:	Mrs.Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Sadanand Paswan, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-05-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Siddhartha Prasad, learned counsel for the appellant, Mrs. Usha Kumari 1, learned Special P.P. for the State and Mr. Sadanand Paswan, learned counsel appearing for the informant.

The present appeal has been preferred on behalf of the appellant for setting aside the order dated 08.11.2019 passed by learned Additional Sessions Judge 1st, Khagaria in Morkahi P.S. Case No. 102 of 2019, whereby the appellant's prayer for bail in connection with Morkahi P.S. Case No. 102 of 2019 registered for the offences punishable under Sections 302/34 of



the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case, as per the written report of Ragini Kumari submitted to the Station House Officer of Morkahi Police Station is to the effect that on 12/13.08.2019 at 2.30 A.M. the informant was sleeping with her husband, in the meantime, certain people entered into the house, whereupon on the order of co-accused Angad Yadav, the present appellant Rajesh Yadav @ Chhedi Yadav fired on the chest of the husband of the informant and second firing was made by co-accused Rakesh Paswan which hit on the hand of the husband of the informant and subsequently, on the chest of the husband of the informant. Thereafter, the family members reached on the spot. The victim was taken to the hospital where he was declared dead.

It is submitted by learned counsel for the appellant that the informant was not leading happy matrimonial life with the husband victim, as a result, earlier also, the informant tried to commit suicide. The appellant has falsely been implicated in the background of political rivalry, as at earlier point of time, the appellant used to support the informant in the Panchayat



election but the Panchayat elections concluded just prior to the registration of the FIR, he supported the other candidate, as a result, the informant herself killed her husband and has falsely framed the appellant and others. It is further submitted that none of the independent witnesses have supported the prosecution case except 4-5 close family members and relatives of the informant. The appellant is languishing in custody since 14.08.2019. The appellant is accused in two other cases in which he is on bail and the charge-sheet has already been submitted.

Mr. Sadanand Paswan, learned counsel appearing for the informant submits that out of six witnesses, four witnesses have been examined and the trial is at the advance stage and witnesses have supported the prosecution case.

Considering the rival submissions of the parties, keeping in view the fact that the appellant is the assailant and the accusation of causing firearm injury has been corroborated by the medical opinion, coupled with the fact that the trial is at the advance stage, this Court is not inclined to grant bail to the appellant.

It is expected from the learned trial Court to conclude the trial preferably within a period of six months.



Accordingly, the prayer for bail of the appellant is
rejected and the appeal is dismissed.

(Dinesh Kumar Singh, J)

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