

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1044 of 2021**

Arising Out of PS. Case No.-118 Year-2019 Thana- SANHAULA District- Bhagalpur

DINESH YADAV Son of Gangadhar Yadav @ Bhoti Yadav Resident of
Village - Palwa, P.S.- Sanhaula, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 22-06-2021 Heard Mr. Rajive Ranjan Singh, learned counsel for the appellant and Mr. Sadanand Paswan, learned Additional Public Prosecutor appearing for the State through video conferencing.

This appeal has been preferred on behalf of the appellant for setting aside the order dated 10.12.2020 passed by the learned Third Additional District and Sessions Judge cum Special Judge, (SC & ST) Act, Bhagalpur, whereby the prayer for bail of the appellant in connection with Sessions Trial No. 163 of 2020 arising out of Sanhaula P.S. Case No. 118 of 2019 registered for the offences punishable under Sections 302, 120(B), 201 and 34 of the Indian Penal Code, but Charge sheet has been submitted under Sections 302, 120(B), 201/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, has been rejected.

The allegation as per the First Information Report is that on 7.7.2019 when the informant arrived at home, he did not find his father there and upon search, his mother told that he was missing for the last 3-4 days. It has further been alleged that on 8.7.2019 at about 14.00 hours the informant got foul smell coming out from the house and, thereafter, the informant with the help of villagers found the dead body of his father from a pit situated in the courtyard of the thatched house of the informant. The informant found that the throat of his father (since deceased) was slit and when he inquired from his mother Sarita Devi, she disclosed that she has killed the father of the informant with the help of Dinesh Yadav and his sister Juli Kumari.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the matter alleged. The petitioner has been dragged in this case merely on the basis of confessional statement of co-accused Sarita Devi.

On the other hand, learned counsel for the State referring to the impugned order submits that enough material



has come against the petitioner to connect him in the present offence inasmuch as the co-accused Sarita Devi has categorically stated that she with the help of the appellant has killed the father of the informant by slitting his throat and upon indication of the co-accused, the sharp edged knife was recovered from the house. Learned counsel further submits that on inspection of the house, the blood smeared plastic bag and blood of the deceased was found on the wall and the seizure list was prepared by the Police. Learned counsel also submits that from the impugned order it would be evident that learned court below has discussed the statement of son of the deceased in paragraph-23 of the case diary in which it has been stated that the appellant Dinesh Yadav used to visit the home of the appellant for the last two months and used to sleep in the room of his mother. This witness has further stated that about ten days ago scuffle had taken place between father of the informant and Dinesh Yadav i.e. appellant herein. Learned counsel next submits that learned court below has also discussed the evidence collected in the course of investigation against the appellant and co-accused which *prima facie* established the involvement of the appellant in the present offence.

Having heard learned counsel for the parties and



taking into consideration the materials on record and the evidence discussed by the learned court below in the impugned order which *prima facie* indicates the involvement of the appellant in the present offence along with the co-accused, I am not inclined to grant bail to the appellant.

Accordingly, the impugned order dated 10.12.2020 passed by the learned Third Additional District and Sessions Judge cum Special Judge, (SC & ST) Act, Bhagalpur, in connection with Sessions Trial No. 163 of 2020 arising out of Sanhaura P.S. Case No. 118 of 2019 is hereby, affirmed.

The appeal stands dismissed.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

