

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1081 of 2021**

Arising Out of PS. Case No.-122 Year-2019 Thana- PALIGANJ District- Patna

INDRAJEET YADAV S/o Son of Chhotan Yadav Resident of Village- Lalganj
Sehra, P.S.- Paliganj, Distt- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prem Ranjan Kumar

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 15-04-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf
of the appellant for grant of bail against the order dated
17.12.2020 passed by learned Additional District and Sessions
Judge III-cum-Special Judge (SC/ST Act), Patna in connection
with Paliganj P.S. Case No. 122 of 2019 (Special Case No. 161
of 2019) under Sections 302, 34 of the Indian Penal Code and
section 3(ii)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby the prayer for bail
of the appellant was rejected.

Prosecution case in brief is that on 01.04.2019 at
about 9.00 pm, wife of younger brother of informant namely,
Kavita Devi was quarreling with his younger brother Satish



Manjhi and thereafter, she fled away. Meanwhile, co-accused Lalu Yadav and this petitioner came armed with lathi and danda and assaulted his brother, as a result of which he became severely injured. Thereafter, he was taken to the hospital, but during course of treatment, informant's brother died on 03.04.2019.

It is submitted on behalf of appellant that appellant is innocent and has been falsely implicated. There is delay of three days in lodging of FIR. In fact, deceased fell on the hand pump and sustained injuries and later on, succumbed to death. Appellant has got clean antecedent, as stated in para 3 of the petition.

However, counsel for the State vehemently opposed the bail application and submitted that appellant is one of assailants and there is specific allegation of assault against this petitioner.

Considering the facts and circumstances of the case and the fact that appellant is one of the assailants of the deceased, the prayer bail of the appellant is rejected.

(Prabhat Kumar Singh, J)

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