

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2444 of 2021**

Arising Out of PS. Case No.-294 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Jamuna Yadav aged about 37 years Son Of Brahamdeo Yadav @ Bharmadev Yadav Resident Of Village - Fulaiya, P.S. - Ramgarh Chowk, District - Lakhisarai

... .. Appellant

Versus

The State of Bihar

... .. Respondent

**Appearance :**

For the Appellant/s : Mr.Udbhav, Advocate

For the Respondent/s : Mr. Bipin Kumar, Spl. Public Prosecutor

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

3      10-08-2021                      Heard learned counsel for the appellant and learned Special P.P. for the State.

The present appeal has been filed for setting aside the order dated 10.3.2020 passed by learned A.D.J.-I cum Special Judge, Lakhisarai in Lakhisarai (Ramgarh Chowk) Police Station Case No. 294 of 2020 registered for the offence punishable under Sections 302/120B and other allied sections of the Indian Penal Code, Sections 3(2)(v) of SC/ST Act and section 27 of the Arms Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, the appellant is alleged to have fired from behind which hit informant's son in the lower portion of the head who died during course of treatment.



It is submitted on behalf of appellant that the appellant has falsely been implicated in this case due to dirty village politics. There is a case and counter case. It is further submitted that it is evident from the fact that co-accused Shree Yadav allegedly told informant's son to compromise the earlier case and on refusal of which the occurrence of firing took place, however, surprisingly there is no case lodged by the present informant or by any of his family members on the appellant's side. Appellant is in custody since 14.9.2020 and Charge sheet has already been submitted. No case under the SC/ST Act is made out against the appellant.

However, learned Special P.P. has opposed the appeal and submitted that there is specific allegation against the appellant that he fired on the informant's son causing his death.

Considering the aforesaid facts and circumstances and the fact that the appellant is alleged to be the main assailant of informant's son, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of bail, is hereby rejected.

**(Prabhat Kumar Singh, J)**

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