

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2853 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- MANJHI District- Saran

1. Ganesh Yadav, S/o Sobhnath Yadav, R/o Village Dumri, P.S. Manjhi, District Saran at Chapra.
2. Rajesh Yadav, S/o Sobhnath Yadav, R/o Village Dumri, P.S. Manjhi, District Saran at Chapra.
3. Subhash Yadav, S/o Sobhnath Yadav, R/o Village Dumri, P.S. Manjhi, District Saran at Chapra.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellants	:	Mr. Chandra Mohan Jha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant		Dr. Rajesh Kumar Singh, Advocate
		Mr. Sanjay Kumar Jha, Advocate
		Mr. Anant Kumar Bhaskar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-10-2021 Heard learned counsel for the appellants, learned Special P.P. for the State as well as learned counsel appearing on behalf of the informant.

The present appeal under Section 14A (2) of the SC/ST (POA) Act, 1989 has been filed against the order dated 05.06.2021, passed by learned Additional Sessions Judge, 1st, cum Special Judge, SC/ST (POA) Act, Saran at Chapra in Manjhi P.S. Case No.10 of 2021, registered for the offence punishable under Sections 302, 307, 324, 325 and 34 of the Indian Penal Code as well as under Sections 3 (2) (v) of the



SC/ST Act.

Allegation against appellants no.1 and 2 is of killing the son of the informant, namely, Chandan Kumar by pressing his neck and the allegation against appellant no.3 is of assaulting the informant and his wife by means of *lathi* causing fracture injury.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. It is submitted that the wife of the deceased has not supported the prosecution case. Appellants are in custody since 10.01.2021 and they have got no criminal antecedent as stated in paragraph 3 of the memo of appeal.

Learned Special P.P. as well as learned counsel for the informant opposed the prayer for bail of the appellants and submitted that the post mortem report supports the prosecution case.

Having considered the facts and on perusal of the records, it appears that there is specific allegation against appellants no.1 and 2 of killing the son of the informant, namely, Chandan Kumar by pressing his neck. Hence, I am not inclined to enlarge appellants no.1 and 2 on bail. Accordingly, the prayer for bail of appellants no.1 and 2, namely, Ganesh



Yadav and Rajesh Yadav is rejected.

However, the learned trial court is directed to expedite the trial of appellants no.1 and 2.

So far as the case of appellant no.3 is concerned, the only allegation against him is of assaulting the informant and his wife with *lathi* causing fracture injury, therefore, the order dated 05.06.2021, passed by learned Additional Sessions Judge, 1st, cum Special Judge, SC/ST (POA) Act, Saran at Chapra in Manjhi P.S. Case No.10 of 2021 is set aside, so far as it relates to appellant no.3 only.

Having considered the facts aforesaid, let appellant no.3, namely, Subhash Yadav, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Manjhi P.S. Case No.10 of 2021.

The appeal is partly allowed.

(Anjani Kumar Sharan, J.)

Sanjay/-

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

