

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2977 of 2021

Arising Out of PS. Case No.-336 Year-2019 Thana- PATNA CITY CHOWK District- Patna

Sagar Yadav @ Sagar Kumar, Son of Sunil Yadav, Resident of Nirankar Bhawan, Mochi Road (Morcha Road), P.S. Chowk, District Patna.

... .. Appellant

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant : Mr. Anil Kumar, Advocate

For the Respondent : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-10-2021 Heard learned counsel for the appellant and learned Special P.P. for the State.

The appellant has filed this appeal under Section 14A(2) of the SC/ST (POA) Amendment Act, 1989 against the order dated 19.12.2020, passed by learned Additional Sessions Judge-III-cum-Special Judge, SC/ST, Patna in Chowk P.S. Case No.336 of 2019 (Special Case No.502 of 2019), registered for the offences punishable under Sections 302/34 of the Indian Penal Code, under Section 27 of the Arms Act as well as under Section 3(2) of the SC/ST Act.

The prosecution case, in brief, is that on 08.10.2019, the son of the informant, namely, Manish Kumar was going for *Murti Visarjan* along with other persons of his *Mohalla*. When they reached near *Ghora Gali*, 5-6 persons, who were



consuming alcohol near *Ghora Gali*, started abusing the son of the informant. When the son of the informant protested, Anshu Yadav and Hemant Kumar fired from their pistol. The son of the informant, Manish Kumar received two gun shot injury and died.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. According to the FIR, there is specific allegation against Anshu Yadav and Hemant Kumar that they fired on the deceased but in the re-statement of the informant, he has taken the name of the appellant along with other co-accused who fired on the deceased. The appellant is in custody since 11.12.2019 and he has got 11 criminal antecedents as stated in paragraph 3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for bail of the appellant and submits that the post mortem report supports the prosecution case and the appellant has 11 criminal antecedents registered under different sections of the Indian Penal Code and Arms Act.

Considering the facts aforesaid, I am not inclined to enlarge the appellant on bail. Accordingly, the prayer for bail of the appellant is rejected.



However, the appellant may renew his prayer for bail
after framing of charge.

The appeal is dismissed.

(Anjani Kumar Sharan, J.)

Sanjay/-

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

