

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.201 of 2021**

Arising Out of PS. Case No.-322 Year-2020 Thana- RANIGANJ District- Araria

Niraj Yadav @ Niraj Kumar Son of Vijendra Yadav Resident of Village -
Raghopur, Bhudani Tola, Ward No. 2, P.S. - Raniganj, District - Araria

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Arvind Kumar, Advocate

For the Respondent/s : Mr.Binay Krishna – I, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 17-03-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Appellant, in the present appeal, is seeking setting
aside the order dated 10.09.2020 passed by learned 1st
Additional Sessions Judge – cum – Special Judge, Araria in Spl.
(SC/ST) Case No. 142/2020 arising out of Raniganj P.S. Case
No. 322/2020 registered for the offence under Section 302, 201,
379/34 of the Indian Penal Code and Section 3(r)(w), 3(2)(v) of
the SC/ST Act.

As per the prosecution story, the informant gave his
statement before the police alleging that the appellant was in
one sided love with the wife of his younger brother by way of
pressurizing and threatening her to live with him which was
denied by her. It is further alleged that the wife of younger



brother of the informant went to collect the 'Saag' from the field, she did not return back, and on search, the dead body was found in the jute field of one Kamleshwar Thakur situated towards eastern side of the canal. It is further alleged that the knife blow was there on her abdomen and neck.

Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in this case on mere suspicion, there is no eye witness to the alleged occurrence. Learned counsel submits that the appellant is in custody since 14.08.2020 having one criminal antecedent as disclosed in the supplementary affidavit.

Learned Spl.P.P. for the State has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case, the specific allegation against the appellant and the materials collected by the Investigating Officer in course of investigation showing that on the date of occurrence the appellant had given 12 times call on the mobile of the victim lady and the location of the mobile of the appellant was the same as that of the mobile of the victim lady as also the witnesses have seen him around the field from where the dead body of the lady had been recovered, in the kind of materials



placed before this Court and there being one criminal antecedent of the appellant which has been disclosed by filing supplementary affidavit, this Court is not inclined to grant privilege of regular bail to the appellant.

Prayer for regular bail of the appellant is, thus, refused.

This Appeal is dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

