

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3696 of 2021**

Arising Out of PS. Case No.-5 Year-2019 Thana- DEEPNAGAR District- Nalanda

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PHOTO YADAV @ RAMESH KUMAR S/o Kailu Yadav @ Kailu Gop R/o
Village- Kako Bigha, P.S.- Deepnagar, District- Nalanda. (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	M/s Yogesh Chandra Verma, Sr. Advocate Raj Kishor Prasad, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 01-12-2021 Heard learned senior counsel for the appellant and
learned Spl.P.P. for the State.

The appellant has renewed his prayer for bail in a case registered under sections 302 and other sections of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act.

It is submitted by learned senior counsel that the earlier appeal for bail of the appellant was rejected vide order dated 22.12.2020 passed in Cr. Appeal (SJ) No. 1636 of 2020 (Annexure-1).

It is submitted with reference to the confessional statement of co-accused Raju Lal (Annexure D/2) that from perusal of the said confessional statement together with the material which has transpired in course of investigation, the



complicity of the appellant is not made out and in fact the case of right of private defence on part of the appellant is made out. The appellant is in custody since 20.1.2020 and there is no chance of the trial concluding in the near future.

Heard learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the appellant in the FIR of having shot the uncle of the informant hitting him in his chest, the same being supported by the postmortem report, the Court is not inclined to enlarge the appellant on bail and the same is rejected.

(Partha Sarthy, J)

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