

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4692 of 2021**

Arising Out of PS. Case No.-89 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

Akhilesh Yadav @ Akhilesh Kumar Son Of Ramadhar Singh Resident Of  
Village- Sabalpur Behara, P.S.- Udawantnagar, District- Bhojpur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Nibha Devi W/o Late Sonu Paswan Resident of Village- Bhalay, P.s.-  
Udwant nagar, District- Bhojpur.

... .. Respondent/s

**Appearance :**

|                          |   |                         |
|--------------------------|---|-------------------------|
| For the Appellant/s      | : | Mr.Praveen Kumar        |
| For the Respondent/s     | : | Mr. Binay Krishna       |
| For the Respondent no. 2 | : | Mr. Gopal Govind Mishra |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      21-04-2022                      Heard learned senior counsel for the appellant, respondent  
no. 2 and learned Special Public Prosecutor for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 16.04.2021, passed by learned 1<sup>st</sup> Additional Sessions Judge, Bhojpur at Ara in connection with SC/ST Case No. 46 of 2021 arising out of Udwant Nagar P.S. Case No. 89 of 2021, registered under Sections 302, 201, 34 of the IPC and Sections 3(2) (va) of SC/ST Act.

Appellant is said to have committed murder of the husband of the informant.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case due



to village politics and ulterior motives. He submits that there is no eye witness in this case and all the witnesses are family members. He submits that there is general and omnibus allegation levelled against the appellant. He submits that no case is made out under the provision of SC/ST Act against the appellant. He submits that similarly situated co-accused has been granted bail by a Bench of this Court vide order dated 24.02.2022 passed in Cr. APP (SJ) No. 3255 of 2021. He further submits that appellant has two criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State and respondent no. 2 oppose the prayer for bail and submit that the trial is going on. He further submits that out of 7 witnesses, 4 have been examined in this case.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer for bail is rejected in connection with Udwant Nagar P.S. Case No. 89 of 2021.

Accordingly, this appeal is dismissed. However, trial is directed to conclude the trial within four months.

**(Anjani Kumar Sharan, J)**

devendra/-

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