

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3966 of 2022**

Arising Out of PS. Case No.-180 Year-2021 Thana- BHARGAMA District- Araria

PRAMOD YADAV S/O DAYANAND YADAV Resident of village-  
Raghunathpur, P.S.- Bhargama, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. UMESH RISHIDEO S/O KARTIK RISHIDEO Resident of village-  
Raghunath Pur, P.S.- Bhargama, District- Araria.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Manisha Prakash

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      07-12-2022                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

Learned counsel for the appellant by filing  
supplementary affidavit submits that he has removed the defect(s)  
as pointed out by the office.

I.A. No. 01/2022 has been filed for condonation of  
delay of 240 days in preferring the instant appeal.

For the reasons stated in the application, delay is  
condoned and the appeal be registered.

The interim application is accordingly disposed of.

The appellant has filed the instant appeal against the  
order dated 04.01.2022 passed by the learned 1<sup>st</sup> Additional  
Sessions Judge cum Special (SC/ST) Judge, Araria whereby the



prayer for bail of the appellant in connection with Bhargama P.S. Case no. 180 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 302, 379, 504 of the Indian Penal Code, Section 3(i) (r)/ 3(i)(s), 3(2)(v) of the SC & ST (POA) Act and Section 27 of the Arms Act, was rejected.

As per prosecution case, accusation against the appellant and others is that they came to the disputed land with deadly weapons alongwith 20-25 unknown persons and started cutting the paddy crops and when the informant's uncle Chandeshwari Rishideo raised objection, he was dashed and forced to fled away. Thereafter, Chandeshwari Rishideo informed the matter to his family. In the meantime, co-accused Dayanand Yadav started abusing to Chandeshwari Rishideo and made indiscriminate firing upon him causing injury upon his ribs and other part of the body as a result of which Chandeshwari Rishideo fell down. It is further alleged that co-accused Dayanand Yadav also made firing upon the informant due to which he sustained injury on his both arms. It is further alleged that appellant Pramod Yadav fired upon Bhim Rishideo causing injury on his back and when the aunt of the informant came to rescue them, co-accused Gajo Yadav assaulted her by means of lathi. The injured persons were brought to PHC, Bhargama but they were referred to Sadar Hospital, Araria and on the way, injured Chandeshwari Rishideo



succumbed to death.

Learned counsel for the appellant submits that the appellant is in custody since 12.11.2021 and bears criminal antecedent of one case. He further submits that there is land dispute between the parties.

The learned Special Public Prosecutor for the State vehemently opposes the prayer for bail of the appellant submitting that there is direct allegation against the appellant and the same is supported by the injury report.

Considering the facts and circumstances of the case, nature of allegation levelled against the appellant coupled with injury report and the material available on record, I am not inclined to grant bail to the appellant. Accordingly, the prayer for bail of the appellant is hereby rejected.

However, the appellant may renew prayer of bail after nine months from the date of receipt/production of copy of this order to the court concerned, if there is no substantial progress in the proceeding of trial within the stipulated period.

In the aforesaid manner, the appeal stands dismissed.

**(Alok Kumar Pandey, J)**

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