

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.25 of 2022

Arising Out of PS. Case No.-460 Year-2020 Thana- RAJAOLI District- Nawada

Satyendra Yadav, Son of Ishwar @ Ishwari Yadav, Resident of Village - Bara,
P.S.- Rajauli, Distt.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi W/o Satendar Das Resident of Village - Satgir, P.S.- Rajauli,
Distt.- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bhawesh Kumar, Advocate Mr. Man Mohan Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Subodh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 15-09-2022

Heard learned counsel for the appellant, learned
Spl.PP for the State and learned counsel for the respondent no.2.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 17.11.2021 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Nawada,
in connection with Rajauli P.S. Case No. 460 of 2020 (Special



Case No.225 of 2020), registered for the alleged offences under Sections 302, 201/34 of the Indian Penal Code and Section 3 (1) (r) (s), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, when the informant and her husband were returning after picking firewood, the petitioner and the co-accused abused them and demanded firewood from them. On refusal of the husband of the informant, the petitioner and the co-accused snatched the firewood from him and the petitioner put a '*gamchha*' in the neck of the husband of the informant and pressed his neck. The husband of the informant fell down and subsequently he was found dead.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The witnesses were examined in this case and as per their version the informant was not an eye witness as claimed. No offence under any of the sections mentioned in the FIR under the SC/ST Act are made out in the facts and circumstances of the case against the appellant. The learned counsel further submits that the post mortem report shows death was due to asphyxia due to strangulation of his neck and there would not be any strangulation by '*gamchha*' if the prosecution case is taken



to be true. The learned counsel further submits that the co-accused Pappu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 02.04.2021 passed in Cr. Appeal (SJ) No. 1054 of 2021. The appellant is in custody since 16.08.2021 and the charge sheet has been submitted in this case.

Learned Spl.P.P. as well as learned counsel for the informant vehemently opposes the prayer for bail of the appellant. It has been submitted by learned counsel for the informant that the informant has made specific allegation against the appellant and she is an eye witness. Even the other witnesses examined by the police during investigation have supported the prosecution case about the appellant and the informant having some altercation and scuffle with the deceased. The post mortem report also supports strangulation.

Perused the records.

Having regard to the nature of allegation which is quite specific and direct against the appellant and is quite serious and grave, I am not inclined to grant bail to the appellant.

Hence, his prayer for bail is rejected.

Accordingly, this appeal is dismissed.

However, learned trial court is directed to expedite the



trial and conclude the same as early as possible.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

