

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1971 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- SHAHKUND District- Bhagalpur

1. Mukesh Yadav S/o Late Suresh Yadav R/o village- Ratanganj, P.S.- Sajour, District- Bhagalpur
2. Tejo Yadav @ Yogesh Yadav S/o Late Suresh Yadav R/o village- Ratanganj, P.S.- Sajour, District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar
For the Respondent No.1:		Mr. Binay Krishna
For the Respondent No.2:		Mr. Dharendra Nath

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 17-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No. 2.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 20.05.2022,

passed by the Ld. Sri Rohit Shankar, Addl. Sessions Judge

III-cum-Spl. Judge (SC/ST Act), Bhagalpur, in connection



with Special SC/ST Case No. 21 of 2022 (arising out of Sahkund (Sajour) P.S. Case No. 41 of 2022, registered for the offences punishable under Sections 302, 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that the victim was beaten to death by named three accused persons including the appellant.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that there is only bruise on the head of the deceased. He also submits that allegation in the FIR is not supported by the statement of witnesses examined during the investigation. He further submits that there is no specific allegation of overt act against any of the accused. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 25.02.2022.

It has also been stated in paragraph no. 3 of the



appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and Informant vehemently opposes the prayer of the appellant for bail submitting that the allegation as made in the FIR is supported by the post-mortem report, as per which death of the victim has been caused due to hemorrhage and shock on account of ante-mortem injury caused on the head of the victim as well as other part of the body. He further submits that as per the FIR informant is eye-witness and as a whole, case is supported by investigation.

Considering the aforesaid facts and circumstances, particularly nature of allegation and material on record, I am not persuaded to enlarge the appellant on bail at this stage. As such, there is no infirmities in the impugned order.

This appeal is accordingly dismissed.

Ld. counsel for the appellant is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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