

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2553 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- AMARPUR District- Banka

=====

Ashok Yadav Son of Kailu Yadav Resident of Village- Parnathpur, PS-
Amarpur, District- Banka

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-08-2023 Heard learned counsel appearing on behalf of

appellant and Spl. Public Prosecutor.

2. This criminal appeal has been filed against the order dated 24.02.2023 passed by learned Additional Sessions Judge-I, Banka in connection with Amarpur P.S. Case No. 461 of 2022, registered under Sections 147, 148, 149, 341, 342, 323, 302, 504 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (1) (r) (s), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. It is alleged that all the F.I.R. named accused persons including this appellant surrounded the son of the informant and on the orders of co-accused Bishnudeo Yadav, co-accused Pintu Yadav opened fire. It is further alleged that,



thereafter, co-accused Pankaj Yadav, Shankar Yadav and Nirdosh Yadav also opened fire and this appellant and other accused persons dragged him on the ground and threw stones on him as a result of which he ultimately died.

4. It is submitted on behalf of the appellant that specific accusation of causing fire arms injury is against co-accused Pintu Yadav and allegation against the appellant is general and omnibus. There is no allegation of opening fire against the appellant.

5. However, learned Spl. Public Prosecutor appearing for the State vehemently opposes the prayer for bail and submits that the appellant is named in the F.I.R. and in the post-mortem report, doctor has found multiple injuries on the body of the deceased.

6. Considering the aforesaid facts and circumstances of the case, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

