

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2625 of 2023

Arising Out of PS. Case No.-389 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

BABALU YADAV S/O DEVENDRA YADAV @ DEVENDRA KUMAR
YADAV R/O Village- Siswa, P.S- Bishambharpur, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Maina Kuwar W/O Late Birendra Sahi R/O Village- Kuchaikote, P.S- Kuchaikote, Distt.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghav Prasad

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 14-12-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 8.12.2022 passed by learned Additional Sessions Judge-III-Cum-Special Judge, SC/ST Act, Gopalganj whereby the prayer for bail of the appellant in connection with Kuchaikote P.S. Case no. 389 of 2022 under Sections 302, 120(B) of the Indian Penal Code and sections 3(i)(r) of SC/ST Act was rejected.

3. According to the prosecution case, on 31.8.2022 the accused persons including the appellant came at the house of the



informant and took away his son namely, L.G. Sah saying that they would return within one week. When son of the informant did not return, the informant searched and found his son was lying dead and a stab wound was found in his stomach. The informant alleged that the accused persons including the appellant committed murder of his son.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant was seen lastly with the deceased and on the basis of suspicion, he has falsely been made an accused in this case. No eye witness of the alleged occurrence. No offence is made out under the provisions of the SC/ST Act against him. Moreover, he is languishing in judicial custody since 2.9.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that the appellant is named in FIR against whom, the allegation of murder of the deceased was made. The appellant confessed his guilt in his self confessional statement stated therein, he along with co-accused persons killed the deceased by stabbing knife. At the instance of confessional statement of this appellant, blood stained cloth was also recovered. It is further submitted that the witnesses of this case have also supported the



prosecution case.

6. Having heard learned counsel for the parties and considering the aforesaid facts, I do not find it appropriate to grant bail to the appellant and, as such, his prayer for bail is rejected.

7. The trial Court is directed to expedite the trial and conclude the same within a period of nine months.

(Sunil Kumar Panwar, J)

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