

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2252 of 2022**

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

Rajesh Yadav @ Haddi Son Of Late Suresh Yadav R/O-Vill- Ratanganj,
Sahebganj, P.S.- Shahkund (SAJOUR),DIST.-Dist.- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Devi Late Bishundeo Tanti Village-Ratanganj, P.S.-Shahkund,
District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vivekanand Vivek
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 20-07-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 08.06.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Sahkund (Sajour) P.S. Case No. 41 of 2022 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 3(1)(r)(s)(w) of the SC/ST (Prevention of Atrocities) Act whereby his prayer for being released on bail has been rejected.



The prosecution case as emerges from the F.I.R is that the victim was beaten to death by F.I.R named accused persons including the appellant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. He further submits that there is only bruise on the head of the deceased. The allegation in the F.I.R is not supported by the statement of the witnesses examined during the investigation. The investigation in this case is complete and the charge-sheet has already been submitted. The appellant is languishing in custody since 25.02.2022. A statement has been made in para 3 of the petition is that appellant has no criminal antecedent.

Learned Counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant and submitted that one witness namely



Lukhar Tanti in his statement recorded in para 21 of the case diary has stated that this appellant has pelted one brick on the deceased which his on his head, as a result of which, he fell on the ground and subsequently died. The postmortem report also corroborates the case of the prosecution.

Considering the fact that there is specific allegation against the appellant, this Court is not inclined to grant the privilege of bail to the appellant. The prayer for grant of bail to the appellant stands rejected.

The appeal stands dismissed.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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