

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3534 of 2023**

Arising Out of PS. Case No.-20 Year-2023 Thana- KALUAHI District- Madhubani

Atish Yadav S/o Krishanchandra Yadav R/o Village-Radh, P.S.-Kaluahi,
District-Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Dahur Ram Son of Achchhe Ram R/o Village-Radh, P.S.-Kaluahi, District-Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhavesh Kumar Sah
For the Respondent/s : Mr.Usha Kumari 1

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

5 07-12-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 19.05.2023 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST, Madhubani whereby the prayer for bail of the appellant in connection with Kaluahi P.S. Case no. 20 of 2023 under Sections 302, 120B, 354B of the Indian Penal Code and section 27 of the Arms Act and Sections 3(i)(r)(s), 2(i)(w)(ii), 3(ii)(va) of SC/ST Act was rejected.

3. Allegation against the appellant and co-accused is that they by taking caste name of the informant assaulted



him and his family members. It is further alleged that appellant in connivance with others fired upon the son and daughter-in-law of the informant due to which they sustained gunshot injuries and died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute. He has not taken the caste name of the informant in public view. It is further submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 16.02.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that there is direct allegation of firing against the appellant upon the head of the deceased. As per post-mortem report, which is annexed with case diary wherein doctor has opined cause of death is brain injury haemorrhage and shock caused by firearm. During investigation witnesses have also supported the prosecution version.

6. Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the appellant of opening fire upon the head of the deceased, resulting into his death, this court is not inclined to enlarge the



appellant on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible

(Sunil Kumar Panwar, J)

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