

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3636 of 2022**

Arising Out of PS. Case No.-300 Year-2022 Thana- FATEHPUR District- Gaya

SHIBU YADAV S/O RAMDHEEN YADAV @ MAHENDRA YADAV
Resident of Village- Fatehpur (Sitalpur), P.S.- Fatehpur, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. SANTOSH RAVIDAS S/O LATE MUNNI RAVIDAS Resident of village-
Bhaluwani, P.S.- Fatehpur, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Onkar Nath
For the Respondent/s	:	Mr. Binay Krishna
For the Respondent No.2:	:	Mr. Sheikh Arkan Ahmad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-03-2023 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 12.09.2022,
passed by Ld. Exclusive Special Judge, SC/ST, Gaya in
connection with Fatehpur P.S. Case No. 300 of 2022,
registered for the offences punishable under Sections 302
and 34 of the Indian Penal Code and Section 3(2)(v) of the
SC/ST Act., whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is



that accused-appellant was having illicit relationship with one widow Punam Devi and when the in-laws of the Said Punam Devi came, they saw that accused-appellant is in a room with Punam Devi and then they called some villagers and then accused-appellant also called his own men, namely, Mukesh Yadav, Virendra Yadav, Umesh Yadav and Pramod Yadav and started escaping from the house of Punam Devi and on the way all the accused were wielding *lathi* and *danda* against the villagers and in that course the appellant, including the accused persons injured the victim, namely, Sudhir Yadav who died on the way to hospital.

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 no specific allegations against the appellant to assault the victim. He also submits that co-accused persons, namely, Mukesh Yadav and Virendra Yadav have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 14.12.2022 passed in Cr. Appeal (SJ) No. 2697 of 2022. He further 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 01.07.2022.

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 Ld. Counsel for the Informant vehemently oppose the prayer of the appellant for bail submitting that this innocent child of 12 years of age has been injured to death by the accused persons including the appellant without any rhyme and reason and there is sufficient material in support of the prosecution case. Alleged injury has been supported by the post-mortem report.

Considering the aforesaid facts and circumstances, particularly in view of the fact that innocent child has been victimized by the accused persons, 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.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of one year, the appellant is at liberty to renew his prayer for bail.

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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