

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.77 of 2023

Arising Out of PS. Case No.-852 Year-2022 Thana- BIHTA District- Patna

=====

Rajendra Yadav @ Rajendra Prasad Yadav Son Of Late Rahu Yadav @
Yadunandan Yadav R/O Vill.- Kanchanpur Tola Kharagpur, P.S.- Bihta, Distt.-
Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahapati Devi Wife Of Late Surendra Paswan R/O Vill.- Kanchanpur Tola,
P.S.- Bihta, Distt.- Patna, Pin No.- 801103

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 823 of 2023

Arising Out of PS. Case No.-852 Year-2022 Thana- BIHTA District- Patna

- =====
1. Vinay Yadav @ Vinoy Yadav Son Of Rajkumar Yadav R/V- Kanchanpur
Tola, P.S.- Bihta, District- Patna
 2. Sanket Kumar @ Raifal Yadav @ Ramfal Yadav Son Of Rajkumar Yadav
R/V- Kanchanpur Tola, P.S.- Bihta, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahapati Devi Wife Of Late Surendra Paswan R/V- Kanchanpur Tola, P.S.-
Bihta, District- Patna

... .. Respondent/s

=====

Appearance :

(In CRIMINAL APPEAL (SJ) No. 77 of 2023)

For the Appellant/s : Mr.Ashok Kumar Sinha

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 823 of 2023)

For the Appellant/s : Mr.Brajesh Kumar Singh

For the Respondent/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 24-08-2023 Heard learned counsel for the appellants and

learned Special P.P for the State.



The appellants have challenged the order dated 21.11.2022 and 03.01.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Bihta P.S. Case No. 852 of 2022 instituted for the offences punishable under Sections 341, 323, 307, 302, 147, 148, 149 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the SC/ST Act whereby their prayer for being released on bail has been rejected.

It is a case of commission of murder of the husband of the informant. It is specifically alleged against the appellants Vinay Yadav and Sanket Kumar @ Raifal Yadav (Cr. Appeal (SJ) No. 823 of 2023) that they assaulted with iron rod on the head of the husband of the informant, as a result of which, he sustained head injuries and fell down. The husband of the informant was thereafter taken to the hospital where he was declared dead.

It is submitted by learned counsel for the



appellants that appellants are innocent and they have falsely been implicated in this case. There is general and omnibus allegation against appellant/Rajendra Yadav. He is an old person and the specific allegation of assaulting to the deceased is not against the appellant. The appellant is in custody since 11.09.2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellants and submitted that there is specific allegation against appellants Vinay Yadav and Sanket Kumar @ Raifal Yadav (Cr. Appeal (SJ) No. 823 of 2023) that they assaulted with iron rod on the head of the husband of the informant, as a result of which, he sustained head injuries and died. The postmortem report also corroborates the case of the prosecution. The independent witnesses have also supported the case of the prosecution.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated



21.11.2022 passed in respect of appellant/Rajendra Yadav.

Accordingly, the appeal with respect to appellant Rajendra Yadav @ Rajendra Prasad Yadav is allowed.

The appellant/Rajendra Yadav @ Rajendra Prasad Yadav (Cr. Appeal SJ No. 77 of 2023), above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna in connection with Bihta P.S. Case No. 852 of 2022.

So far as appellants Vinay Yadav @ Vinoy Yadav and Sanket Kumar @ Raifal Yadav @ Ramfal Yadav (Cr. Appeal (SJ) No. 823 of 2023) are concerned, since there is specific allegation against them that they assaulted with iron rod on the head of the deceased, as a result of which, he succumbed to the injuries and the postmortem report as well as the statement of the



witnesses have also supported the case of the prosecution as against the appellants, this Court is not inclined to grant the privilege of bail to the appellants above named.

The prayer for grant of bail to the appellants Vinay Yadav and Sanket Kumar @ Raifal Yadav (Cr. Appeal (SJ) No. 823 of 2023) are hereby rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest with regard to the appellants Vinay Yadav and Sanket Kumar @ Raifal Yadav (Cr. Appeal (SJ) No. 823 of 2023).

(Sunil Kumar Panwar, J)

Shageer/-

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

