

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.937 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BIKRAM District- Patna

RAJESH YADAV @ RAJESH KUMAR @ RAJESH KUMAR YADAV S/O
Dinanath Yadav R/O Village- Faridpur, Baghakol, P.S- Bikram, District- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sima Devi W/O- Late Dharmendra Kumar Resident Of Village- Faridpur
Baghacol, P.S- Bikram, Dist-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rajesh Kumar
	:	Mr. Ravi Ranjanj Kumar
For the State	:	Mrs. Usha Kumari 1, Spl. PP
For the Informant/s	:	Mr. Shashank Shekhar Mr. Ashutosh Kumar Mr. Vivek Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 11-01-2024 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 30.11.2022 passed by learned Special
Judge SC/ST, Patna whereby the prayer for bail of the appellant
in connection with Bikrm P.S. Case no. 313 of 2022 under
Sections 302, 120B/34 of the Indian Penal Code, section 27 of
the Arms Act and sections 3(2)(v) of SC/ST Act was rejected.

3. As per prosecution case, it is alleged that on
13.7.2022 at night, the husband of the informant went for his



duty to Bikra Police Station along with his brother, in the meantime, the FIR named accused persons including the appellant surrounded him. Thereafter, the appellant put out his pistol and fired at temple of husband of the informant Dharmendra Paswan due to which he sustained gunshot injury and died. The brother of the deceased Prince Kumar somehow escaped and narrated the whole story to the informant.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. It is also submitted that the confessional statement of co-accused Bablu Kumar has been recorded in which, he stated that the crime was committed by his Mama Sonu and his friend Raushan due to which husband of the deceased died. No offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 16.7.2023.

5. Learned Spl. P.P. appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the appellant is named in the FIR who has specifically been alleged to fire upon the husband of the informant Dharmendra Paswan. The statement of eye



witness Prince Kumar (brother-in-law of the informant) has been mentioned vide para 11 of the case diary in which, he categorically stated that this appellant fired at chest and temple of the deceased due to which he succumbed to gunshot injuries. The postmortem report of the deceased also corroborates the prosecution case wherein, six gunshot injuries are mentioned and doctor opined the cause of death is due to head injury caused by firearms. It is also submitted that other witnesses of the case have supported the prosecution story.

6. Having heard learned counsel for the appellant and considering the aforesaid facts and circumstance of the case, I do not find it appropriate to grant bail to the appellant and as such, the appeal stands rejected.

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

(Sunil Kumar Panwar, J)

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