

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1916 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- AANDAR District- Siwan

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Baidhnath Yadav @ Baijnath Yadav Son of Late Bujhawan Yadav Resident of
village - Bhawrajpur, P.S.- Aandar, Distt.- Siwan

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Birendra Kumar Baitha Son of Jagulal Baitha Resident of village -
Sanjalpur, P.S.- Aandar, Distt.- Siwan.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Kumari Anupam, Advocate
For the Respondent/s	:	Ms/Mrs.Usha Kumari 1, Spl.P.P
for respondent no.2	:	Mr. Santosh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 22-11-2024

Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 23.2.2024 passed in a case registered for the offence punishable under sections 302 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) /3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act, by which prayer for regular bail of the appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, co-villager of informant informed him that his son (informant's) Manish Kumar Baitha was made captive at the door of the petitioner. On this information, informant came at the house of the petitioner at Bhavrajpur along with the his co-villagers, and when he reached on the spot, informant saw that his son was tied with rope, and petitioner and other accused persons had assaulted him to death. It is further alleged that accused persons also abused informant by caste name.



4. It is submitted on behalf of the appellant that informant is not an eye witness to the alleged occurrence. Only on the basis of suspicion, appellant has been made accused in this case. No motive has been assigned as to why this appellant has committed the alleged offence. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Appellant claims clean antecedent and he is in custody since 21.2.2024.

5. However, learned Spl. PP for the State and respondent no.2 opposed the prayer for bail. They submit that the appellant is named in the FIR with specific allegation that he along with other co-accused persons assaulted the victim due to which he sustained injuries and died on the spot.

6. Considering the nature and seriousness of allegation, I do not find it fit to interfere with the impugned order. Accordingly, this appeal is dismissed.

Shashi

(Prabhat Kumar Singh, J)

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