

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2095 of 2024

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

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1. Birendra Yadav Son of Late Ramashankar Yadav R/O Vill. Bhavrajpur, P.S.- Aandar, Dist.-Siwan
 2. Guddu Yadav Son of Uma Yadav R/O Vill. Bhavrajpur, P.S.- Aandar, Dist.- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Birendra Kumar Baitha Son of Jagulal Baitha R/O Vill.- Sanjalpur, P.S.- Aandar, Dist.-Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumari Anupam , Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP
For respondent No. 2	:	Mr. Santosh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-08-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 02.04.2024 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, and whereby the prayer for anticipatory 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 Parmatma Yadav informed the informant that his son Manish Kumar Baitha was captive at the door of co-accused Baidnath Yadav.



On this information informant came at the house of co-accused Baidnath Yadav at Bhavrajpur along with his co-villagers Parmatma Yadav and others, and then he saw that his son was tied with rope, and co-accused Baidnath Yadav, appellant No. 1 Birendra Yadav, appellant No. 2 Guddu Yadav, and Uma Yadav were assaulting his son with an iron rod and danda as a result of which son of the informant died. It is further alleged that accused persons also abused informant by caste name .

4. It is submitted on behalf of the appellants that informant is not an eye witness to the alleged occurrence . Only on the basis of suspicion , these appellants have been made accused in this case . No motive has been assigned as to why these appellants have committed the alleged offence . Appellants claim clean antecedent.

5. However, learned Spl. PP for the State opposed the prayer for bail and submitted that appellants are named in the F.I.R., and there is specific allegation against these appellants that they along with other co-accused persons committed murder of son of informant and also abused the informant by caste name .

6. Considering the aforesaid facts, I do not find any reason to interfere with the impugned order, accordingly this



appeal is dismissed.

(Prabhat Kumar Singh, J)

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