

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2837 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- NAYA RAM NAGAR District- Munger

ARVIND YADAV Son of Late Suresh Prasad Yadav @ Khaman Yadav @ Phakan Yadav Resident of Village - Aadampur, Post Office - Safiyabad, P.S.- Naya Ram Nagar, District - Munger.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kalyani Devi Late Bambam Kumar Resident of Village- Gouripur, P.S.- Narayam Nagar, District- Munger

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raj Kumar Sinha
For the Resp. No. 2	:	None
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 03-10-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 16.03.2023 passed by the learned Additional District and Sessions Judge – I, Munger- cum- Special Judge, SC/ST (POA) Act, Munger in connection with Naya Ram Nagar P.S. Case No. 165 of 2022 dated 05.09.2022 registered for the offence/s punishable u/ss 302 and 386 read with section 34 of the Indian Penal Code, section 27 of the Arms Act and sections



3(2) (v) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have shot the informant's husband dead due to non-fulfillment of demand of Rangdari while he was going to attend duty in the workshop of Jamalpur.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section of the SC/ST Act. There is no eyewitness to the alleged occurrence. The appellant has five criminal antecedents which are related to murder, attempt to murder and others as stated in para 3 of the bail petition. The appellant is in custody since 09.11.2022.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that there is specific allegation against the appellant. As per the Post Mortem report, the cause of death is excessive bleeding, haemorrhagic shock and firearm injuries. It is further submitted that as per para 42, 57 and 58 of the case diary, the petitioner is a very notorious criminal who demanded Rs. five lakhs as Rangdari from the deceased due to that the petitioner along with



the other co-accused shot him dead. As per para 89 of the case diary, the petitioner himself confessed his guilt that he along with the other co-accused persons killed the informant's husband due to non-fulfillment of demand of Rangdari.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 16.03.2023 passed by the learned Additional District and Sessions Judge – I, Munger- cum- Special Judge, SC/ST (POA) Act, Munger in connection with Naya Ram Nagar P.S. Case No. 165 of 2022 and accordingly the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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