

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3544 of 2023**

Arising Out of PS. Case No.-65 Year-2020 Thana- DANDARI District- Begusarai

Madhu Yadav @ Madho Yadav S/O Late Hakru Yadav @ Hakim Yadav
Resident of Village Hardiya, P.S.-Dandari, District-Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumit Kumar Sagar Singh Resident of Village-Hardiya, P.S.- Dandari,
District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajit Kumar Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 14-03-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 03.04.2023 passed by learned Special Judge, SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Dandari (Supplementary) P.S. Case No. 65 of 2020 under Sections 302, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(s) of SC/ST Act, was rejected.

3. Learned counsel for the appellant has filed supplementary affidavit stating therein that the appellant has earlier moved before this Court with a prayer for bail which was



rejected vide order dated 05.08.2021 passed in Cr. Misc. No. 1543 of 2021.

4. As per allegation, the appellant has caused fire arm injury and death of the mother of the Informant.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The charge-sheet has been submitted in this case. The postmortem report does not support the prosecution case. The appellant has surrendered before the court concerned on 12.06.2020 and since then he is in custody. Nothing has been recovered from the place of occurrence. The appellant has altogether 15 criminal antecedents. Learned counsel for the appellant further submits that the provisions of SC/ST Act is also not made out against him.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant stating that the Informant has supported the case before the police in her statement under Section 161 Cr.P.C. and she has alleged that the appellant is the assailant of the mother of the Informant. Earlier also the prayer for bail of the appellant was rejected by a Co-ordinate Bench of this Court. The doctor



has also found consistent fire-arm injury on the body of the mother of the Informant. Postmortem report also supports the prosecution case and thus, the appellant does not deserve bail.

7. Considering the entire facts and circumstances of the case and taking into account the nature of the offence alleged against the appellant and the fact that out of total eleven charge-sheet witnesses, three have been examined, this Court is not inclined to grant bail to the appellant for the present.

8. Accordingly, the prayer for bail of the appellant, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of 12 months from today.

9. If the trial is not concluded within the aforesaid period of 12 months, the appellant will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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