

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3161 of 2022

Arising Out of PS. Case No.-215 Year-2012 Thana- BARHARA KOTHI District- Purnia

Bhushan Yadav Son Of Late Baleshwar Yadav @ Balo Yadav Resident Of
Village - Shishwa, P.S.- Barhara (Raghubansh Nagar O.P.), District - Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prakash Tuddu @ Pakka Tuddu Son of Jagai Tuddu Resident of village -
Bhatsara, Santhali Tola, P.S.- Barhara, District - Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajnish Kumar Singh, Adv.
For the Respondent/s : Mr.Sadanand Paswan, PP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

14 29-02-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel

for the informant.

2. The instant appeal has been filed by the

appellant against the order dated 30.04.2022 passed by

learned 1st Additional Sessions Judge cum Special Judge

SC/ST Act, Purnea whereby the prayer for bail of the

appellant in connection with Barahara P.S Case No. 215 of

2012 under Sections 147, 148, 149, 302, 120 (B) and 504 of

the I.P.C, Section 27 of the Arms Act and Section 3(x)(i)(xi)

of the SC/ST Act was rejected.



3. Prosecution case, in short, is that appellant along with co-accused variously armed cultivating informant's land forcibly and on protest by the informant and others, the accused persons abused them by caste name and started indiscriminate firing, due to gun-shot injury Rakesh Tuddu, Karan Tuddu, and Manju Marandi died on the spot. In the meanwhile some persons became injured. Appellant has six criminal antecedent which are as follows:

(i) Barhara (Raghubansh Nagar O.P.) P.S. Case No. 119 of 2020 for the offences under sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

(ii) Barhara (Raghubansh Nagar O.P.) P.S. Case No. 10 of 2021 for the offences under sections 147, 148, 149, 341, 342, 323, 307, 302/120(B) of Indian Penal Code and 27 of the Arms Act .

(iii) Barhara (Raghubansh Nagar O.P.) P.S. Case No. 35 of 2004 for the offences under sections 147, 148, 149, 447, 307, 379, 427 of the I.P.C.

(iv) Barhara (Raghubansh Nagar O.P.) P.S. Case No. 99 of 1999 for the offences under sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

(v) Jadiya P.S. Case No. 141 of 2019 for the offences under sections 450, 326, 307, 120(B)/34 of the Indian Penal Code and 27 of the Arms Act .

(vi) Barhara (Raghubansh Nagar O.P.) P.S. Case No. 39 of 2019 for the offences under sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 506, 120B of the Indian Penal and 27 of the Arms Act .



4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel for the appellant further submits that appellant was absconder. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 07.08.2021.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, on perusal of the FIR, impugned order, the appellant is named in the FIR and three persons have died in the said occurrence, the murder was committed in day time and the victims are tribal persons, appellant is named in FIR. The appellant and other co-accused persons had an active role in occurrence. The petitioner is absconding since long time other persons have been convicted but trial of the appellant has still not been concluded as the appellant is absconding. Appellant has got six criminal antecedent, this Court is not inclined to allow this appeal. Accordingly, the prayer of bail of the



appellant is rejected herewith.

7. Hence, appeal stands dismissed.

(Ramesh Chand Malviya, J)

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