

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5638 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- SIMRI District- Darbhanga

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ROHIT YADAV SON OF NUNU YADAV @ NANNU YADAV R/O
VILLAGE- KUMARPATTI, P.S.- SIMRI, DIST.- DARBHANGA

... .. Appellant/s

Versus

1. The State of Bihar
2. AASHA DEVI WIFE OF LATE PUNA RAM R/O VILLAGE-
KUMARPATTI, P.S.- SIMIRI, DIST.- DARBHANGA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Yadav, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Saurav Anand, Advocate

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

ORAL ORDER

4 04-03-2024 Heard learned counsel for the appellant and

learned Special P.P. for the State as well as learned counsel for

the respondent no.2/informant, on point of admission and on

merit also.

2. The appellant has preferred the present

appeal under Section 14A(2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989

(hereinafter referred to as the “SC/ST Act”) against the refusal

of prayer for bail vide order dated 17.10.2023 passed by the

learned Exclusive Special Judge SC/ST (POA) Act, Darbhanga

in connection with Simri P.S. Case No.176 of 2023 registered



under Sections 302, 201, 120B/34 of Indian Penal Code and Section 3(i)(R), 3(i)(s), 3(2)(v) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. The appellant is named in F.I.R. and is in custody since 28.08.2023.

5. The allegation against the appellant is to have committed murder of husband of the informant after calling the deceased, near old PWD road. It is further alleged that the appellant tried to disappear the evidence and this appellant along with other co-accused killed the deceased by hatching conspiracy.

6. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case and the entire allegation is on the basis of suspicion. It is submitted that there is no eye-witness to the occurrence. It is also submitted that nothing incriminating article has been recovered from conscious physical possession of this appellant, which may connect him with the present set of occurrence. It is also submitted that from bare perusal of FIR, it appears that there is no overt act against the appellant, which attracts atrocities within the meaning of the SC/ST Act. It is further



submitted that appellant is a man of clean antecedent.

7. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

8. Learned Special P.P. for the State duly assisted by learned counsel for the Respondent No.2/Informant opposes the prayer for bail of the appellant. It is submitted that this appellant and Gauri Shankar Yadav taken away the husband of the informant from the house of the informant and when her husband did not return home till night, she started searching her husband and thereafter she went to the house of the appellant and Gauri Shankar Yadav, where, she was abused by them by calling her caste name and forced to return her house. It is also submitted that on the next day informant got knowledge that the appellant and Gauri Shankar Yadav killed her husband near old PWD road and to disappear the evidence put the dead body of the deceased into a Tempo under planned way.

9. In view of the submissions and allegation as made by the parties and it appears from statement of witnesses as made under Section 161 of the Cr.P.C. that it is a case of last



seen with the deceased (Puna Ram) where this appellant called the deceased and also the mobile of the deceased recovered from the possession of other co-accused, who is named in the FIR and as there is direct involvement in this case of the appellant and as it appears from postmortem report that injuries were antemortem and caused by hard and blunt object, injuries no.01 and 2 were grievous and dangerous to life in ordinary course of nature and death caused to intracranial hemorrhages, compression and shock, this Court, at present, is not inclined to grant bail to the appellants.

10. Accordingly, the prayer of bail of the appellants is rejected herewith.

11. Hence, appeal stands dismissed.

12. However, learned trial court is directed to conclude the trial of this case, preferably, within a period of 06(six) months from the date of receipt of a copy of this order, where, appellant may be at liberty to renew his prayer for bail before learned trial court, if the trial could not conclude within specified period.

(Ramesh Chand Malviya, J)

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