

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1285 of 2025

Arising Out of PS. Case No.-516 Year-2024 Thana- PIRPAINTI District- Bhagalpur

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Upendra Yadav @ Paiyru Yadav S/O Shwar Laxman Yadav@ Laxman Yadav

R/O Vill.- Gobindpur Mohanpur, P.S.- Pirpainti, Dist.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mosamat Kushma Devi D/O Late Arjun Mandal R/O Vill.- Gobindpur
Mohanpur, P.S.- Pirpainti, Dist.- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. N K Agrawal , senior Advocate Mr. Indeshwari Prasad Mandal , Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-11-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 11.02.2025 passed in a case registered for the offence punishable under sections 103 (2) and 3 (5) of BNS and sections 3(i)(r),3(1) (s)and 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case, the informant, namely



Kushma Devi, suspected that all the FIR-named accused persons, including the present appellants, had committed the murder of her son. It is further alleged that a day prior to the occurrence, the accused persons had threatened and coerced the informant's son to withdraw the case which was earlier lodged by him.

4. Learned counsel for the appellant submitted that informant is not an eye witness to the alleged occurrence . Only suspicion raised against him because of old enmity. Except suspicion, there is no other material on record to substantiate the complicity of this appellant in the alleged occurrence. Appellant claims clean antecedent.

5 . Counsel for the parties opposed the prayer for bail and submitted that appellant is named in the F.I.R. and there is specific accusation that he along with other co-accused persons killed the son of informant. During investigation , it transpired that the appellant, along with co-accused, had been persistently exerting pressure upon the deceased to withdraw Pirpainti P.S. Case No. 485 of 2024 , earlier instituted by him against them. Upon his refusal to do so, the accused persons allegedly strangled the informant's son with a rope in the *Bas Bitta*, thereby causing his death .



6. Considering the aforesaid facts, seriousness and nature of accusation and gravity of offence , 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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