

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5018 of 2024

Arising Out of PS. Case No.-274 Year-2024 Thana- SITAMARHI District- Sitamarhi

Ashish Yadav @ Babaji @ Ashish Kumar @ Ashish Kumar Yadav S/O
Nagendra Ray Resident of Village- Raghapur Bakhari, P.S- Panaura, District-
Sitamadhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanshu Raj S/O Late Dev Prakash Baitha R/O Village- Radhopur
Bakhari, P.S- Panaura, Distt.- Sitamardhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For Respondent No.2	:	None

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

ORAL ORDER

4 27-06-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. None appears on behalf
of the Respondent No.2 despite notice being validly served.

2. The instant appeal has been filed by the appellant
against the order dated 02.08.2024 passed by 1st Additional
Sessions Judge cum Special Judge SC/ST (PoA), Sitamdhi
whereby the prayer for bail of the appellant in connection with
Sitamadhi P.S. Case No. 274 of 2024 under Sections 302,
201/34 of the Indian Penal Code and Sections 3(2)(iv) and 3(2)
(v) of SC/ST Act was rejected.



3. Accusation against the accused persons including the appellant is of committing murder of the informant's brother.

4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. Learned counsel further submitted that the place of occurrence is the house of one Sanjeev Kumar Srivastava and the appellant has no concern with the said Sanjeev Kumar Srivastava. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 24.04.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that there is specific allegation of firing upon the deceased against the appellant and even as per paragraph no. 14 of the case diary, this appellant has confessed his guilt and narrated the manner in which the occurrence took place and on the basis of the disclosure made by him, blood stained cloth, bedsheet, pillow etc. have been recovered and, therefore, the appellant does not deserve to be released on bail.



6. Considering the aforesaid facts and circumstances of the case, there being specific allegation of firing upon the deceased against this appellant, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the present appeal is dismissed.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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