

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.986 of 2016

Arising Out of PS.Case No. -14 Year- 2015 Thana -HISUA District- NAWADA

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1. Binod Yadav Son of Mahabir Yadav
2. Subodh Yadav Son of Rameshwar Yadav
3. Suja Yadav alias Sashi Bhushan Yadav Son of Mahabir Yadav
4. Rameshwar Yadav Son of Late Kairu Yadav
5. Ranjit Yadav Son of Rupal Yadav all residents of Village Bala Bigha, P.S. Hisua,
District - Nawadah.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gouranga Chatterjee, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-02-2017

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. This appeal under Section 14A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for
short 'the Act') has been preferred against the order dated 18th
October, 2016 passed by the learned Special Judge, Nawada in
Special (SC/ST) Case No. 66 of 2015 whereby the application for bail
of the appellants in connection with Hisua P.S.Case No. 14 of 2015
registered under Sections 147, 148, 149, 337, 302 of the Indian Penal
Code and Sections 3(2)(iv) and 3(2)(v) of the Act has been rejected.

3. Earlier also the appellants filed an application for bail



before this Court, which was rejected vide order dated 30th January, 2016 passed in Cr.Misc. No. 52390 of 2015.

4. It has been contended by the learned counsel for the appellants that the appellants have surrendered before the court below on 4th September, 2015 and since then they are in custody. He submitted that it has come in some of the paragraphs of the case diary that the deceased Arjun Chaudhary died as he was heavily drunk on the date of occurrence and injuries found on his person were mostly bruises. He submitted that the deceased might have sustained injuries in some drunken brawl. He has further contended that the proviso to Section 14(3) of the Act provides that when the trial relates to an offence under the Act the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge-sheet. However, in the present case though the charges have been framed long back, no witness has been examined till date.

5. On the other hand, learned Special Public Prosecutor has vehemently opposed the prayer for bail of the appellants. He submitted that after looking into the materials available in the case diary this Court rejected the application of the petitioner for bail by order dated 30th January, 2016 and no fresh ground has been made out by the appellants for reconsideration of their prayer for bail. He submitted that so far as the proviso to Section 14(3) of the Act is



concerned, the same is directory and not mandatory in nature.

6. Be that as it may, regard being had to the allegations made in the FIR, I am not inclined to grant bail to the appellants for the present. Accordingly, their prayer for bail is rejected.

7. The State is directed to produce all its witnesses without any unnecessary delay during trial. In case the witnesses are produced, the trial court shall take all possible steps to conclude the trial within a period of nine months from today. In case of State's failure to produce its witnesses before the trial court within the time stipulated hereinabove, the appellants would be at liberty to renew their prayer for bail before the court below itself.

8. With the aforesaid observations and directions, the appeal is dismissed.

9. Let a copy of this order be communication to the District Magistrate and the Superintendent of Police, Nawada for taking appropriate steps in order to produce witnesses before the trial court.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	

