

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.1266 of 2017**

Arising Out of PS.Case No. -148 Year- 2013 Thana -GHORASAHAN District-  
EASTCHAMPARAN(MOTIHARI)

=====

Yodha Rai, Son of Late Chanan Rai, Resident of Village- Barka Pakahi,  
P.S. Lakhaura, District- East Champaran.

.... .... Appellant

Versus

The State of Bihar.

.... .... Respondent

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**Appearance :**

For the Appellant/s : Mr. Neeraj Kumar Alias Sanidh

For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

5      07-08-2017      Heard learned counsel for the appellant and learned  
Special P.P.

This appeal has been filed for setting aside the order  
the order dated 3.2.2017 passed in B.P. No. 2178 of 2016 by  
Additional Sessions Judge-I-cum-Special Judge, East Champaran,  
Motihari, arising out of Ghorasahan (Lakhaura) P.S.Case No. 148  
of 2013 registered for the offences under Sections 147, 148, 149,  
302, 120B of the Indian Penal Code, 27 of the Arms Act and  
3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act and for grant of bail to the appellant.

Allegation against the appellant and other co-accused  
as per FIR is that they have fired at the deceased causing his death.

It has been submitted on behalf of the appellant that



apart from the appellant and one co-accused, 31 persons have been made accused in this case though there is specific allegation against co-accused of firing but post mortem report shows two fire arm injuries and one by hard and blunt substance on the person of deceased and appellant is in custody for more than one year.

Learned Special P.P. has opposed the prayer stating that there is specific allegation against the appellant supported by the post mortem report.

Having heard both sides and considering the facts and circumstances, I am not inclined to grant bail to the appellant. Prayer for bail is rejected.

However, as the appellant is in custody for more than one year, learned trial court is directed to expedite the trial and try to conclude it as soon as possible, preferably within a period of nine months.

With the above observation, this appeal is dismissed.

**(Vinod Kumar Sinha, J)**

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