

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1155 of 2017

Arising Out of PS.Case No. -65 Year- 2016 Thana -BALIA District- BEGUSARAI

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Jeetendra Choudhary, son of Kapo Choudhary @ Kapildeo Chaudhary,
resident of village Masudanpur, P.S. Ballia, District Begusarai

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Kameshwar Prasad Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 28-06-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 28.2.2017 passed by Sri Raj Kumar, Special Judge,
SC/ST (POA) Act, Begusarai, arising out of Ballia P.S.Case No.
65 of 2016 registered for the offences under Sections 147, 148,
149, 341, 342, 302 of the Indian Penal Code, 27 of the Arms Act
and 3(ii)(v) of Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act and for grant of bail to the appellant.

Allegation against the appellant and co-accused
person is of firing on the deceased causing his death.

It has been submitted on behalf of the appellant that
there is general and omnibus allegation against the appellant of
firing on the deceased and there is no specific allegation against
him and two other co-accused have been granted bail by this Court
in Cr.Appeal (SJ) No. 735 of 2016 and in Cr.Appeal (SJ) No. 735
of 2016, vide orders dated 22.2.2017 and 22.2.2017 respectively.



It has also been submitted that informant of this case has been examined and he has been declared hostile and appellant is in custody since 19.11.2016.

Learned Special P.P. has opposed the prayer stating that there is allegation against the appellant of assault as well as other accused person of indiscriminate firing and post mortem report shows that there are several gun shot injuries on the person of the deceased.

Having heard both sides and considering the facts and circumstances, as stated above, I am not inclined to grant bail to the appellant.

However, learned Special court is directed to expedite the trial of the appellant and try to conclude the same within a period of six months. If trial is not concluded within the said period, appellant may renew his prayer for bail before the court below itself, who will consider the prayer of the appellant on the basis of materials available against the appellant at that time.

With the above observation, the appeal is dismissed.

(Vinod Kumar Sinha, J)

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