

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.732 of 2017

Arising Out of PS.Case No. -2 Year- 2014 Thana -SAMHO District- BEGUSARAI

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Balram Chaudhary, S/o Late Makhru Chaudhary, Resident of Samho Akbarpur,
P.S.- Samho, District- Begusarai.

.... Appellant

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL JUDGMENT

Date: 12-07-2017

Heard learned counsel for the appellant as well as
learned Special Public Prosecutor for the State.

This criminal appeal has been filed under the provision
of S.C./S.T. (Prevention of Atrocities) Act against the order dated
25.01.2017 passed by learned Special Judge, SC/ST (POA) Act,
Begusarai by which he rejected the bail petition of the appellant on
the ground that trial of the appellant has already commenced.

Learned counsel appearing for the appellant submits that
earlier the bail prayer of the petitioner was rejected by this court vide
order dated 21.06.2016 passed in Cr. Misc. No. 23432 of 2016 on the
assumption that petitioner happened to be main assailant but the F.I.R.
goes to show that informant is not an eye witness of the alleged



occurrence and, moreover, the F.I.R. was lodged after one day of the alleged occurrence and no explanation regarding the aforesaid delay has been given in the F.I.R but I am not, at all, convinced with the aforesaid submissions because in order dated 21.06.2016 passed in Cr. Misc. No. 23432 of 2016, the bail of the petitioner was rejected on the ground that having similar allegation, prayer of bail of co-accused had already been rejected by a co-ordinate Bench of this court. Moreover, it is obvious from the impugned order that trial of the appellant has already commenced and, therefore, I do not find any ground to interfere into the impugned order.

Accordingly, this criminal appeal stands dismissed and the impugned order dated 25.01.2017 is, hereby, confirmed. However, the learned trial court should expedite the trial of the appellant and try to conclude the same as early as possible.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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