

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.333 of 2019**

Arising Out of PS. Case No.-95 Year-2015 Thana- VAISHALI District- Vaishali

Ram Eqbal Thakur @ Ram Ekbal Thakur, Son of Late Ram Awatar Thakur
Resident of Village- Gopalpur, P.S.- Vaishali, District - Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamlesh Kumar Pathak
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 10-05-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 12.12.2018 passed by learned 1st Addl. Sessions Judge
cum Special Judge, Vaishali at Hajipur in Vaishali P.S. Case No.
95 of 2015, G.R. No.1621 of 2015 registered under Section
302/34 of the Indian Penal Code and Section 3(ii)(v) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant along with other accused persons is said
to have slated the father of the informant in the name of his



caste and he have knife blow on the chest of the father of the informant resulting into his death.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has committed no offence. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to land dispute. The allegation of slating levelled against the appellant is not specific rather general and omnibus in nature. The bathan where the slating is said to have been made is not in public view. It is further submitted that some altercation took place between the parties and during the course of altercation deceased sustained injury of the knife resorted by his son. Appellant has no criminal antecedent and has been languishing in custody since 09.04.2015.

On the other hand, learned Spl. PP for the State vehemently opposing this appeal submitted that the appellant is the main assailant. He has stabbed on the chest of the father of the informant by means of knife resulting into his death. Post mortem report also corroborates the occurrence. The status report sent by learned lower court indicates that two witnesses have been examined by the prosecution, but out of them informant was not cross-examined by the defence hence he was



discharged. Now for examination of the rest of the witnesses, process has been exhausted including issuance of Dasti summon to Spl. PP for production of the witnesses. Hence the appellant does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months from the date of receipt/production of a copy of this order and S.P., Vaishali at Hajipur is directed to ensure the production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P., Vaishali at Hajipur by fax for needful.

(Prakash Chandra Jaiswal, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.05.2019
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