

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.905 of 2019

Arising Out of PS. Case No.-111 Year-2018 Thana- NAWADA MUFFASIL District- Nawada

KAUSHAL YADAV Son of Ramchandra Yadav R/o village- Kharat Tola,
Bhawani Bigha, P.S.- Muffasil, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL JUDGMENT

Date : 20-06-2019

Heard learned counsel for the appellant and learned Spl.

P.P. 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 30.01.2019 passed by learned 1st Addl. Sessions Judge-cum-Special-Judge, Nawada, in connection with Muffasil P.S. Case No. 111 of 2018 registered under Sections 302, 201, 34 of the Indian Penal Code and also under Section 3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

Informant had refused to accord food to the Naresh Manjhi whereupon he had extended threatening of dire consequences to him and said Naresh Manjhi along with his



associate Kaushal Yadav committed murder of the son of the informant.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. Appellant has been falsely implicated in this case due to dirty village politics. There is no eye witness of the occurrence. Appellant has been languishing in custody since 02.09.2018.

Learned Spl. P.P. for the State opposed the prayer for bail and citing para 30 of the case diary submitted that the witness in the said para has stated about witnessing the deceased with appellant and co-accused Naresh Manjhi on the date of occurrence and the dead body of the deceased was found on the following day. Thus, the appellant was last seen with the deceased, hence he does not deserve bail.

Having regard to the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail. Accordingly, prayer for bail, is hereby rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months after framing of the charge. The Superintendent of Police, Nawada



is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be sent through FAX to the Superintendent of Police, Nawada for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

T.Kr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.6.2019
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