

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1291 of 2019**

Arising Out of PS. Case No.-200 Year-2018 Thana- SAHIYARA District- Sitamarhi

Kanhaiya Singh @ Kanhai Singh Son of Umesh Prasad Singh, Resident of
Village-Pokharbhinda, P.S.-Sahiyara, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shankar Kumar
For the Respondent/s : Mr. Usha Kumari 1

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

ORAL JUDGMENT

Date : 19-06-2019

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 19.02.2019 passed by learned 1st Addl. District & Sessions
Judge-cum-Special Judge, SC/ST Act, Sitamarhi in Sahiyara
P.S. Case No. 200 of 2018 registered under Sections 147, 148,
149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code,
Section 27 of the Arms Act and Section 3(i)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

One Mahendra Singh is said to have taken the son



of the informant and the appellant and other accused persons slated his son in the name of his caste while the appellant resorted firing upon the stomach of his son.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to animosity and political rivalry. Appellant is the resident of some other village and P.S. Earlier to the case under hand, the co-villager of the appellant, namely, Kush Kumar has lodged FIR against the informant and others regarding misbehaving with the women folk of the village etc. and due to aforesaid animosity, the informant has lodged this false and frivolous case against the appellant. Appellant has been languishing in custody since 02.12.2018.

Per contra, learned APP opposing the bail prayer of the appellant submitted that the appellant happens to be main assailant. He has resorted firing upon the stomach of the victim and doctor has found the aforesaid injury as grievous in nature. Witnesses in various paragraphs of the case diary have supported the occurrence.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail.



Accordingly, his prayer is rejected.

However, learned court below 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. Sitamarhi 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 communicated to S.P. Sitamarhi by fax for needful.

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-06-2019
Transmission Date	20-06-2019

