

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1811 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- PATEPUR District- Vaishali

Chandradeep Sahni Son of Raj Narayan Sahni Resident of Village - Ashma,
P.S.- Patepur, District- Vaishali

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Singh
For the Respondent/s : Mr. Dilip Kumar Sinha

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

ORAL ORDER

6 30-08-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 15.12.2018 passed by learned 1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No.148 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code and Section 3(1) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On intervention of the brawl of the children by the



father of the informant one of the children made complain with his family members, whereupon 16 named accused persons including the appellant armed with weapon started assaulting his father by means of lathi and slated in the name of caste. When the informant along with his brothers rushed in his rescue. They assaulted them. Appellant assaulted on the head of his father by means of iron rod resultantly his ear, mouth and nose started bleeding.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. There is case and counter case between the parties. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent and has been languishing in custody since 21.09.2018.

Per contra, learned Spl. PP for the State opposing the prayer for bail submitted that there is specific allegation against the appellant of assaulting on the head of the victim by means of iron rod resultantly his ear, mouth and nose started bleeding. Informant in his further statement and number of witnesses in various paragraphs of the case diary have supported



the occurrence. The doctor conducting the autopsy of the cadaver of the deceased has found the skull of the deceased fractured and bleeding from his nose and ears and opined the cause of death due to comma following brain injury. 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. The prayer for bail is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of framing of charge. Both the parties are expected to extend their co-operation in conclusion of the trial. The Superintendent of Police, Vaishali at Hajipur 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 to the Superintendent of Police, Vaishali at Hajipur for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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