

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1864 of 2019**

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

Rahul Yadav @ Rajiv Ranjan Son of Arjun Yadav Resident of Village -
Khaira, P.S.- Akbarpur, Distt - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vindhya Keshri Kumar, Sr. Adv. Mr. Birendra Kumar, Adv.
For the Informant	:	Mr. Krishna Deo Rai, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

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

ORAL ORDER

6 01-08-2019 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 01.03.2019 passed by learned 1st Addl. Sessions Judge-
cum-Special Judge, Nawada in Akbarpur P.S. Case No. 238 of
2018 registered under Sections 147, 148, 149, 307, 302 of the
Indian Penal Code, Section 27 of the Arms Act and Section 3(2)
(5) of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Over row of watering the field, the appellant is said



to have resorted firing on the wife of the informant slating the informant and his wife in the name of their caste. His wife succumbed to injury on the way to the hospital. Rajendra Yadav resorted firing upon Lalita Devi while Ranjay Yadav resorted firing upon Prabhu Rajbanshi and other FIR named accused persons also resorted firing.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant was not present at the place of occurrence rather he was on his duty at Kolkata as he happens to be defence personnel and he has been falsely dragged in this case due to old animosity. Appellant has no criminal antecedent and has been languishing in custody since 17.12.2018, hence, he deserve bail.

Per contra, learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellant submitted that there is direct allegation against the appellant of gunning down the wife of the informant. Witnesses in the case diary have also supported the occurrence. C.D.R. of the mobile of the appellant indicates his presence at the place of occurrence and doctor conducting autopsy of the cadaver of the deceased has also found gun shot injury on the person of the deceased, hence, the appellant does not deserve bail.



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 nine months after framing of charge and S.P. 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 communicated to S.P. Nawada by fax for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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