

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2017 of 2019

Arising Out of PS. Case No.-23 Year-2018 Thana- MAIGRA District- Gaya

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Somar Yadav Son of Late Ram Kishun Yadav @ Kishun Mahto Resident of
Village - Harni, P.S.- Maigra, District – Gaya

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ujjawal Kumar Singh Mr. Jitendra Narain Sinha
For the Respondent/s	:	Mr. Sadanand Paswan

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

ORAL ORDER

3 09-07-2019 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 21.02.2019 passed by learned Special Judge SC/ST, Gaya
in connection with Maigra P.S. Case No. 23 of 2018 registered
under Sections 302, 201 & 120-B/34 of the Indian Penal Code
and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.



Appellant and his brother Ajay Yadav are said to have taken the husband of the informant from her house in the night of 29.08.2018 and his dead body was found in the ditch on the following day.

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 land dispute. Appellant had not taken the deceased with him. There is no eye witness of the occurrence. Appellant has no criminal antecedent and has been languishing in custody since 11.09.2018.

Learned Spl. PP for the State opposing the prayer for bail submitted that the appellant and his brother has taken the deceased from his house in the night and committed his murder over playing of witchcraft by the deceased on the family members of the appellant. Informant in her restatement has supported the occurrence. Witness in para-10 of the case diary has stated about the overhearing the conversation between the appellant and one Ramswaroop Yadav about elimination of the deceased over playing witchcraft by him in the night. The witness in para-12 of the case diary has stated that on the date of occurrence he had witnessed the appellant interacting with the deceased in the night. 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, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of commitment of the case. Both the parties are expected to extend their co-operation in conclusion of the trial. The Superintendent of Police, Gaya 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, Gaya for needful.

(Prakash Chandra Jaiswal, J)

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