

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1966 of 2019

Arising Out of PS. Case No.-4 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

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Pramod Prasad Son of Sheo Das Prasad Resident of Village- Jamira, P.S.-
Shahpur Ara Muffasil, District- Bhojpur

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Narayan Singh.1
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 06-08-2019 Heard learned counsel for the appellant, learned
counsel for the informant 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 11.04.2019 passed by learned 1st Additional Sessions
Judge, Bhojpur at Ara in connection with Ara Muffasil P.S. Case
No.4 of 2018, Special Case No.33 of 2018 registered under
Section 302/34 of the Indian Penal Code, Section 27 of the
Arms Act and Section 3(1) (r) (s)/3 (2) (v) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.



In course of regressing to the house by the brother of the informant, co-accused Vinod Prasad is said to have caught him hold and appellant resorted firing on him who was declared brought dead by doctor on rushing to hospital.

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 a contradiction between the statement of the informant and other witnesses given before the learned Trial Court about presence of the informant at the place of occurrence at the time of occurrence and witnessing of the occurrence by him. Appellant has no criminal antecedent and has been languishing in custody since 23.01.2018.

Per contra, learned counsel for the informant and learned Spl. PP for the State opposing the prayer for bail submitted that there is direct allegation on the appellant of resorting firing upon the deceased and the appellant happens to be main assailant. All the witnesses have been examined by the prosecution and the case is now fixed for recording the statement of accused under Section 313 Cr.P.C. and the trial is likely to be concluded shortly.

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 two months from the date of receipt/production of a copy of this order by fixing the case on day to day basis. Both the parties are expected to extend all sort of co-operation in conclusion of the trial within the stipulated period.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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