

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2818 of 2019**

Arising Out of PS. Case No.-24 Year-2018 Thana- RAGHUNATHPUR District- Siwan

CHANDAN PATHAK @ CHANDAN KUMAR PATHAK Son of Sri
Chandeshwar Pathak Resident of Village - Bhanti, P.S.- Raghunathpur, Distt -
Siwan.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Pravesh Nath Tiwari
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 11-09-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated
24.04.2019 passed by learned 1st Addl. Sessions Judge cum
Special Judge, Siwan in Raghunathpur P.S. Case No. 24 of 2018
registered under Sections 326 and 307/34 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 3(1)(r) / 3(2)
(VA) of the SC/ST Act.

Appellant is said to have resorted firing upon the
chest of the informant thrice by means of country made pistol
over not watering his field by the informant by taking him at his
boring.



It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. There is contradiction between the written report and further statement of the informant regarding the manner of occurrence. As per the F.I.R. appellant resorted firing thrice upon the informant by means of pistol but doctor has found only two injuries on the chest of the informant which creates doubt about the prosecution case. F.I.R. has been sent to the Court below after inordinate delay of 10 days without assigning any plausible explanation for the aforesaid delay. Appellant has no criminal antecedent and has been languishing in custody since 22.01.2019. Hence he may be enlarged on bail.

On the other hand, learned Spl. PP for the State opposing the bail petition submitted that there is specific allegation against the appellant of resorting firing upon the chest of the informant and doctor has found two injuries i.e. pea sized wound with inverted and charred margin on the chest of the informant which were found grievous in nature. Informant in his further statement and witnesses have supported the occurrence.

Having regard to the facts and circumstances of the



case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected. Accordingly this appeal is dismissed.

However, learned Trial Court 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., Siwan is directed to ensure production of the witnesses in the case on each and every date fixed in the case without fail.

Let a copy of this order be communicated to S.P., Siwan by fax for needful.

However the appellant may renew his prayer for bail if the trial is not concluded within the stipulated period despite cooperation extended by the appellant.

(Prakash Chandra Jaiswal, J)

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