

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3659 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- DHARHARA District- Munger

Vyas Yadav S/o Late Sikandar Yadav R/o village- Bari Govindpur, P.S.-
Dharhara, Distt.- Munger

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3600 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- DHARHARA District- Munger

Bikas Yadav @ Bikku Yadav Son of Baiju Yadav Resident of Village - Bari
Govindpur, P.S. - Dharhara, Distt.- Munger

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3659 of 2019)

For the Appellant/s : Mr. N.K. Agarwal
Mr. Jyoti Ranjan Jha

For the Respondent/s : Mrs. Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 3600 of 2019)

For the Appellant/s : Mr. N.K. Agarwal
Mr. Jyoti Ranjan Jha

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

6 22-11-2019 As the aforesaid two appeals have cropped up from

the same order, hence, they are taken up together and are being

disposed of by this common order.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated



10.04.2019 passed by learned Special Judge cum A.D.J.-I, Munger in Dharhara P.S. Case No. 21 of 2019 registered under Sections 302, 452 and 120B/34 of the Indian Penal Code, Sections 3(i)(r)(s) and 3(2)(v) of the SC/ST Act and Section 27 of the Arms Act.

12 named accused persons and two unknown miscreants including the appellants are said to have taken the brother of the informant to West of the village and on the exhortation of Krishnanand Yadav slating him in the name of his caste gunned him down over row of filing case against the son of said Mukhiya over murder of cousin nephew of the informant and not getting the said case compromised.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have been languishing in custody since 16.02.2019 and 19.02.2019, respectively.

Per contra, learned counsel for the informant and learned Spl. P.P. for the State opposing the bail prayer of the appellants submitted that there is specific allegation against the



appellants of resorting firing upon the deceased along with one Santosh Yadav and doctor has also found three bullet injuries on the person of the deceased, hence, the appellants do not deserve bail.

From perusal of letter no. 43 dated 06.11.2019 of the learned lower court, it appears that out of eight witnesses, four charge-sheet witnesses have been examined. Out of four, rest witnesses one is private and three are official witnesses and learned lower court has sought three months more time for concluding the trial.

Having regard to the facts and circumstances of the case, I am not inclined to enlarged the appellants on bail. Accordingly, their prayer is rejected.

Learned court below is directed to conclude the trial as expeditiously as possible preferably within three months fixing the case on day to day basis from the date of receipt/production of a copy of this order and S.P. Munger is directed to ensure production of the witnesses in the case on each and every date fixed without fail. Both parties are directed to extend all sorts of cooperation in concluding the trial at the earliest.

Let a copy of this order be communicated to S.P.



Munger by fax for needful.

Accordingly, the aforesaid two appeals are dismissed.

(Prakash Chandra Jaiswal, J)

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