

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.612 of 2020

Arising Out of PS. Case No.-18 Year-2017 Thana- PAKARIBARAW District- Nawada

RAMWARAT YADAV Son of Late Baijal Yadav @ Baijan Yadav Resident of
Village - Keshauri Bishanpur, P.S.- Pakribarawan, District - Nawada.

... .. Appellant.

Versus

1. The State of Bihar.
2. Saroj Kumari Wife of Late Krishna Choudhary Resident of Village -
Keshauri Bishanpur, P.S.- Pakribarawan, District - Nawada.

... .. Respondents.

Appearance :

For the Appellant : Mr. Hansraj, Advocate.
For the State : Ms. Usha Kumari-I, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 15-07-2020

Heard learned counsel for the appellant and the
learned Additional Public Prosecutor for the State through Video
Conferencing.

2. This appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, is directed against the impugned order dated
23.11.2019 passed in B.P. No.2800 of 2019, whereby and
whereunder the Special Judge (S.C./ST. Prevention of Atrocities
Act)-cum-Additional Sessions Judge-I, Nawada, rejected the
prayer of the appellant to grant him bail in connection with
Special Case No.98 of 2017, arising out of Pakribarawan P.S.



Case No.18 of 2017, registered under Sections 302 and 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(ii)(v) of the S.C./S.T. Act.

3. The prosecution case, in brief, is that on 30.01.2017 at about 10.00 A.M., the informant/opposite party no.2 Saroj Kumari along with her husband Krishna Choudhary boarding on the motorcycle was going towards village-Pakribarawan. When the motorcycle reached at Lathi turning, Ramwarat Yadav (appellant), Siwabalak Yadav and Vinod Yadav forced them to move towards Lodipur near a pond, where Krishna Choudhary, the husband of the informant/opposite party no.2, was removed from the motorcycle by the appellant and Siwabalak Yadav and fired at his head through pistol. At that time, Vinod Yadav had caught hold of the husband of the informant/opposite party no.2. Thereafter, the husband of the informant fell down and died on the spot. On the alarm being raised by the informant/opposite party no.2, the villagers of Lodipur gathered there and, thereafter, all moved from there boarding on motorcycle towards village-Thera. The informant/opposite party no.2 further claimed that Gaurav Yadav and Arjun Yadav, both sons of Baijal Yadav of village-Bishanpur, had also their hands in committing the present



occurrence.

4. Learned counsel for the appellant submits that, earlier, the prayer of the appellant and the co-accused Siwabalak Yadav for grant of privilege of bail has been rejected twice by a Coordinate Bench of this Court, firstly, vide order dated 07.11.2017 passed in Criminal Appeal (SJ) No.2758 of 2017 with a direction to the trial court to expedite the trial and try to conclude the same within a period of nine months and, secondly, vide order dated 16.01.2019 passed in Criminal Appeal (SJ) No.4537 of 2018 with a direction to the trial court to expedite the trial and conduct it on regular basis but, up till now, the charge has not been framed against the appellant. The appellant is in custody since 26.07.2017.

5. The report, as called for vide order dated 01.06.2020 passed by this Court regarding the present stage of the trial of the appellant, has been received from the court of the Additional Sessions Judge-I, Nawada, through Letter No.138 of 2020 dated 17.06.2020 from which it appears that while the cognizance of the offence has been taken against the appellant and the co-accused Shiv Balak Yadav but the charge has not been framed against them and the bailable warrant has been issued against the accused fixing the date as 21.07.2020 for



appearance. Due to pandemic Covid-19, the court is not running smoothly.

6. Having considered the facts and the circumstances of the case, I am not inclined to extend the privilege of bail to the appellant and, accordingly, his prayer for bail stands rejected for the present. However, if the trial of the appellant is not concluded within one year from today, the appellant would be at liberty to renew his prayer for bail.

7. Accordingly, this application stands dismissed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2020.
Transmission Date	17.07.2020.

