

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1299 of 2020

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

Shiv Balak Yadav, aged about 22 years, male S/o Arjun Yadav, R/o Village Bishanpur, P.S. Pakribarawan, Distt- Nawada

... .. Appellant

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Appellant/s : Mr. Vasudeo Ram, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 24-07-2020 Heard learned counsel for the Appellant and learned Special Public Prosecutor for the State, through video conferencing.

The instant memo of appeal has been preferred praying for setting aside the order dated 23.11.2019 passed in connection with Pakribarawan P.S. Case No. 18 of 2017 registered under section 302, 506 and 34 of the Indian Penal Code, section 27 of the Arms Act and section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant was rejected.

As per allegation in the FIR, the appellant is stated to have fired from his pistol hitting the husband of the informant in his head as a result of which he died.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. The appellant is a truck driver and was out of the State on the date of occurrence. The deceased had sustained



only one injury. It is further submitted that the prayer for bail of the appellant was earlier rejected vide orders dated 7.11.2017 and 16.01.2019, orders of which are Annexure-I series to this appeal. The appellant is in custody since 28.7.2017.

The appeal is opposed by learned Special Public Prosecutor for the State.

By order dated 1.6.2020, a report has been called for from the Court below, which has been received. As per the report contained in letter no.139/20 dated 17.6.2020 of the learned Additional District and Sessions Judge-I, Civil Court Nawada, charge has not been framed as yet and the estimated time within which the trial is expected to conclude is about 9-10 months.

Having heard learned counsel for the parties and taking into consideration the allegations against the appellant, the Court is not inclined to enlarge the appellant on bail and, as such, the appeal is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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