

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 486 of 2022**

Arising Out of PS. Case No.-257 Year-2020 Thana- KOTWA District- East Champaran

SANTOSH SAH SON OF PRAYAG SAH RESIDENT OF VILLAGE-
BANVIRWA @ BANBIRAWA, P.S.- KOTWA, DISTRICT- EAST
CHAMPARAN

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Prateek Tandon, Advocate

For the Respondent/s : Ms Usha Kumari I, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 16-02-2022

Heard learned counsel for the appellant and learned
Special Public Prosecutor (for brevity, *Special PP*) appearing for
the State of Bihar.

2 The appellant has preferred the present Appeal under
Section 14 (A) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (for brevity, *SC/ST Act*) against the
refusal of his prayer for regular bail vide order dated 11.12.2020
passed by Additional Sessions Judge I -cum- Special Judge, SC/ST
Act, East Champaran at Motihari in a case registered under
Section 302 of Indian Penal Code, Section 27 of Arms Act and



Sections 3 (2) (iv) (v) of SC/ST Act arising out of Kotwa Police Station (for brevity, *PS*) Case No 257 of 2020.

3 This is the second attempt for grant of bail on behalf of the appellant who has been in custody since 07.10.2020. The specific allegation against the appellant is that he has shot at above the left eye of the informant's brother who has succumbed to the injuries.

4 Appellant's counsel submits that the period of custody, since last rejection on 16.08.2021, has considerably increased. It is also submitted that implication is not based on any reliable material in the course of investigation.

5 Learned Special PP has submitted that while rejecting the prayer on the last occasion, this Court has taken into consideration various circumstances including gravity of the allegation and the fact that empty cartridges were recovered during investigation and name of the appellant has been stated by the informant, who has allegedly seen the petitioner calling his brother on the pretext that he was thirsty. He asked for water, whereafter he shot his brother.

6 In my opinion, in view of nature of accusation in the First Information Report and the material collected during investigation, a case for grant of regular bail is not made out. The



impugned order dated 11.12.2020 does not require interference by this Court, which is, accordingly, affirmed.

7 This appeal is dismissed. The impugned order dated 11.12.2020 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST Act, East Champaran at Motihari in Kotwa PS Case No 257 of 2020 is affirmed.

8 Prayer for bail of the appellant is rejected for the present.

9 This Court would further observe that trial Court would make all endeavours to ensure expeditious conclusion of the trial, without any unnecessary adjournment or delay.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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