

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1130 of 2022**

Arising Out of PS. Case No.-225 Year-2020 Thana- SALAKHUA District- Saharsa

Mohan Yadav @ Mohan Kumar Yadav, male, aged about 30 years, Son of
Neti Yadav Resident of village - Maina, P.S.- Sonbarsa Raj , Distt.- Saharsa.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Chandra Mohan Jha, Adv.

For the Respondent : Mr. Sadanand Paswan, Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 22-06-2022 Heard learned counsel for the appellant and learned Spl PP for the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, SC/ST Act) against the refusal of his prayer for regular bail vide order dated 10-01-2022 passed by learned Additional sessions Judge-III-cum Special Judge, SC/ST Act, Saharsa in a case registered under Sections 341, 323, 324, 302, 201 and 120B/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act in connection with Spl Case No. 109 of 2020 arising out of Salkhua PS Case No. 225 of 2020.

Earlier, the appellant's prayer for bail was ejected by this Court under order dated 01-06-2021 in Cr. Appeal (SJ) No.



1721 of 2021. This Court vide order dated 27-04-2022, had called for a report regarding the stage of trial.

The report of the learned Trial Court, pursuant to the Court's earlier order, is to the effect that charge has been framed against the accused persons and the case is fixed for evidence.

Learned counsel for the appellant submits that the appellant has remained in custody since 19-10-2020. There is also no substantial progress at the trial and the appellant is made to suffer the rigors of incarceration, which is unwarranted.

The learned APP for the State has submitted that since the charge has been framed and the matter has already been fixed for evidence, the normal expectation is that trial would be concluded as soon as possible.

This Court, vide order dated 01-06-2021 passed in Cr. Appeal (SJ) No. 1721 of 2021, taking note of the fact that at least one co-accused, namely, Sidhu Yadav and one Manish Kumar has supported the motive against the appellant; and the fact that appellant, on gun point, had threatened Manish Kumar to transport the remains of the deceased for its concealment, rejected the appellant's prayer.

The Court is not inclined to take any view different from what has been taken in the order dated 01-06-2021. The Court, however, would not shut its eyes to the lapse of time in between. Interest of justice would be served if the Court records an observation for expeditious disposal of the trial.

Accordingly, the impugned order dated 10.01.2022 passed by learned Additional Sessions Judge-III-cum- Special Judge, SC/ST Act, Saharsa, in connection with Spl Case No. 109 of 2020 arising out of Salkhua PS Case no. 225 of 2020,



requires no interference by this Court.

In the circumstances, the application is rejected, but with a direction to the learned Trial Court to conclude the trial expeditiously without any delay and unnecessary adjournments.

(Madhuresh Prasad, J)

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