

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1415 of 2022**

Arising Out of PS. Case No.-519 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

Mantu Paswan @ Muntun Paswan, S/o Late Mahesh Paswan, Resident of Village - Asadharpur, Thathan Buzurg, P.S. - Hajipur Sadar, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi, Wife of Late Tarkeshwar Paswan, R/o vill- Thathan Buzurg, P.O.- Thathan Buzurg, P.S.- Hajipur Sadar Dist- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sri Krishna Ranjan, Advocate
For the Respondent/s	:	Mr.Ravish Mishra, Spl. PP
For the Respondent No.2:	:	Mr. Shailendra Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 22-09-2022

Heard learned counsel for the appellant and learned Spl.PP for the State as well as learned counsel for the respondent no.2.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 21.10.2020 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 519 of 2017, registered for the alleged



offences under Sections 341, 342, 302, 120B and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (2)(v) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the husband of the informant was shot at by the appellant and other co-accused persons, who was taken to hospital and during his treatment he died.

The learned counsel for the appellant submits that the bail petition of this appellant was dismissed by a Co-ordinate Bench of this Court vide order dated 16.07.2021 passed in Cr. Appeal (SJ) No. 1232 of 2021. The Co-ordinate Bench has granted liberty to this appellant to renew his prayer for bail if the trial is not concluded within a period of nine months. More than a year has elapsed, but the trial has not been concluded. Learned counsel further submits that the allegation against the appellant is that he fired upon the deceased and shot him below the waist and so he could not be said to have committed murder of the deceased. Learned counsel further submits that the informant side has been delaying the trial before the learned court below and the trial is not likely to be concluded very soon. The appellant is in custody since 10.06.2020.

Learned Spl.PP as well as learned counsel for the respondent no.2 vehemently opposes the submission made on



behalf of the appellant. Learned counsel for the respondent no.2 submits that the FIR was registered immediately after the occurrence and the deceased had named the appellant who fired upon him. The death has been caused due to gun shot wounds. The appellant is a notorious criminal and is accused in a number of cases. The appellant and other co-accused persons have been threatening the informant and she has to seek the help of the police for her protection. Learned counsel further submits that the investigating officer has already been examined in this case as a witness.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the appellant which is quite serious and notwithstanding the liberty granted to the appellant earlier, I am not inclined to enlarge the appellant on bail.

Hence, the appeal is dismissed.

However, the trial court is directed to expedite the trial and conclude the same within a period of six months.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2022
Transmission Date	23.09.2022

