

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3737 of 2021**

Arising Out of PS. Case No.-30 Year-2021 Thana- JOGBANI District- Araria

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RUSTAM MIAN @ MD. RUSTAM @ NEPAL KA MURGAWALA @
NEPAL KA RUSTAM MURGEEWALA Son of Bechan Mian Resident of
Village - Rani, Ward No.- 17, P.S.- Rani, District - Morang (Nepal).

... .. Appellant/s

Versus

1. The State of Bihar
2. Pradip Ram son of Late Nirmal Ram Resident of Indira Nagar Jogbani, ward
No. 10, P.S.- Jogbani, District-Araria

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajindra Narayan, Senior Advocate Mr. Kundan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Ramesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 24-03-2022 Heard learned senior counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

This is an appeal under section 14 A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act')
against the refusal of prayer for bail vide order dated
01.06.2021, passed by learned 1st Additional Sessions Judge
-cum- Special Judge, Araria, in connection with Special
(SC/ST) Case No.21/21, arising out of Jogbani P.S. Case No.30



of 2021, registered under sections 302, 34 of the IPC r/w section 3(2)(V) SC/ST Act.

Allegation against the appellant of assaulting the deceased on the night before the dead body was found.

It is submitted by learned senior counsel for the appellant that no such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case only on the basis of suspicion. There is no eye-witness to the alleged occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has no criminal antecedent and has been languishing in custody since 01.03.2021.

Learned counsel for the respondent no.2 opposes the prayer for bail and submits that the trial has started and out of nine charge sheet witnesses, one witness has already been examined.

Considering the aforesaid submissions, since the trial is going on, I am not inclined to enlarge the appellant named above on bail. The prayer for bail is rejected.

Accordingly, the appeal is dismissed.

However, learned trial court is directed to conclude the trial as expeditiously as possible, preferably within a period of



six months from the date of receipt of a copy of this order.

The appellant is at liberty to renew his prayer for bail, if the trial is not concluded within the aforesaid period of six months.

(Anjani Kumar Sharan, J)

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