

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4323 of 2021

Arising Out of PS. Case No.-268 Year-2018 Thana- SARAIYA District- Muzaffarpur

=====

MUKESH RAI @ MUKESH Son of Nawal Kishore Rai Resident of Village
Abhi Chapra, P.S. Saraiya, District - Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Ashhar Mustafa
For the Respondent/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-03-2022 Heard learned counsel for the appellant 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 06.08.2021,
passed by learned Special Judge (SC/ST Act)-cum-ADJ-III,
Muzaffarpur, in connection with Saraiya P.S. Case No.268 of
2018, registered under sections 302, 120(B), 34 of the IPC,
section 27 of the Arms Act and sections 3 (2) (v) of the SC and
ST (Prevention of Atrocities) Act.

Vide order dated 17.11.2021, a report was called for in
this case, regarding the stage of trial. In compliance thereof, a
report sent by learned I/C Special Judge, SC/ST (POA) Act,



Muzaffarpur dated 24.11.2021, is kept at flag 'K', whereby it is submitted that charge has been framed and two prosecution witnesses out of seven have been examined and the case is still pending for prosecution witness.

It is submitted by learned Spl.P.P. for the State that due to COVID, other witnesses have not been examined. The last witness was examined on 15.10.2019.

Considering the submissions made in the report, I am not inclined to grant bail to the appellant named above. The prayer for bail is hereby rejected.

Accordingly, the bail application is dismissed.

However, the trial court is directed to conclude the trial as expeditiously as possible, preferably within a period of nine months from the date of receipt of a copy of this order.

The Senior Superintendent of Police, Muzaffarpur is directed to take steps for production of the prosecution witnesses for their examination as and when the date is fixed, so that the trial may be concluded within the time indicated herein above.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

