

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.880 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- KHIJARSARAI District- Gaya

Upendra Yadav @ Mukhiya Jee Son Of Saroj Yadav Resident Of Village-
May, P.S.- Khizer Sarai, District- Gaya, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surendra Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 21-09-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
29.11.2022 passed by learned Exclusive Special Judge
SC/ST Act, Gaya in connection with Khijar Sarai P.S.
Case No. 82 of 2022 instituted for the offences
punishable under Section 302 of the Indian Penal Code,
and Section 3(2)(v) of the SC/ST Act whereby his
prayer for being released on bail has been rejected.

It is alleged against the appellant that while the
husband of the informant in his house, the appellant
came and forcibly took the informant's husband with



him. Subsequently, the husband of the informant was found lying with injured condition who was taken to the hospital but during treatment, he succumbed to the injuries.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is no eye witness to the occurrence. During investigation, the police did not find any convincing and reliable material to connect the appellant with the offence in question. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 06.07.2023.

In contra, learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant and submitted that appellant forcibly took the victim with him and thereafter, the victim was found in an injured condition who,



subsequently succumbed to the injuries. The postmortem report also corroborates the case of the prosecution. The independent witnesses have also supported the case of the prosecution.

In pursuance to the direction of this Court, a report with regard to the present stage of the trial has been received. The report of learned Exclusive Special Judge, SC/ST (POA) Act, Gaya dated 01.08.2023 suggests that trial will be concluded within a period of six months.

Considering the fact that there is specific allegation against the appellant that he forcibly took the victim and thereafter he was found in an injured condition and subsequently died during treatment and the fact that trial is likely to be concluded within six months, this Court is not inclined to grant privilege of bail to the appellant for the present.

The prayer for grant of bail to the appellant stands rejected.



The Trial Court is directed to expedite the trial and conclude the same as stipulated in its report dated 01.08.2023.

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

(Sunil Kumar Panwar, J)

Shageer/-

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

