

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1989 of 2023**

Arising Out of PS. Case No.-107 Year-2017 Thana- NIRMALI District- Supaul

MD. IZARAIL @ AJJO @ MD. AJJO S/O LATE BIRKHA MIAN @ MD.
BIRKHA R/O Village- Majhani, P.S- Nirmali, Distt.- Supaul.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Prasad Mehta S/O Bhola Prasad Mehta R/O Village- Manjhari, P.S- Nirmali, Distt.- Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Soni Srivastava, Adv. Mr. Ratanakar Jha
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 30-11-2023 Though notice has been issued to O.P. No. 2, no one
has turned up to assist the Court.

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 2.3.2023 passed by learned Additional
Distt. & Sessions Judge 1st, Supaul whereby the prayer for bail
of the appellant registered under Sections 341, 323, 324, 307/34
of the Indian Penal Code and section 3(1)(ii) of the SC/ST Act
was rejected.

As per allegation in the FIR, four known and two
unknown persons on two motorcycles started indiscriminate



firing upon the informant and Shiv Shankar Sharma as a result of which both have received gunshot injuries. It is further alleged that petitioner hit the informant in his ribcage as well as wrist of Shiv Shankar Sharma. .

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to political rivalry. He has not taken the cast name of the informant in public view. As per progress report sent by trial court, charge has not been framed as yet and there is no hope to conclude the trial in near future. No offence is made out under the provisions of the SC/ST Act against the petitioner. Appellant is languishing in judicial custody since 17.09.2021.

The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that specific allegation of opening fire is against the petitioner. During investigation, several witnesses have supported the prosecution case. Injury report also corroborates the prosecution case. It is further submitted that appellant is habitual offender and huge number of criminal cases are pending against him.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, I do not find it appropriate to grant bail to the appellant and, as such, his



prayer for bail stands rejected.

The appeal stands disposed off.

The trial court is directed to expedite and conclude the trial within six months, failing which the petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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