

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2401 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- MASHRAK District- Saran

RAJU MIAN @ RAJU ALAM SON OF MD. ALI RAY R/O VILLAGE-
DIGHWA DIGHAULI, P.S.- BAIKUNTHPUR, DISTRICT- GOPALGANJ

... .. Appellant/s

Versus

1. The State of Bihar
2. Niraj Kumar Rajkishor Manjhi R/o vill-Dubauli, P.S.- Panapur Dist-Saran (Chapra)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna
For the Respondent No.-2 :	:	Mr. Yashraj Bardhan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 A fresh Vakalatnama has been filed on behalf of

Ld. Counsel for the Informant/ Respondent No. 2 across the

Board.

Let it be taken on record.

Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No. 2.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 23.06.2022,

passed by the Ld. 3rd Additional Sessions Judge-cum-SC/ST

Special Court, Saran, in connection with SC/ST-Masrak Case



No. 193 of 2021 arising out of Masrak P.S. Case No. 193 of 2021, registered for the offence punishable under Sections 302, and 34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST (POA) Act whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 10.04.2021 appellant along with his associates assaulted the father of the informant and the appellant, who was driver of the Pick-up van, run the van over the body of the victim.

The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the time of the alleged occurrence, there was night and it was not possible for the informant to identify the accused persons. Moreover, the accused persons were of different villages, who were unknown to the informant. He further submits that investigation in this case is complete and charge-sheet has already been submitted and charge has not been framed.

The appellant has been languishing in jail since



13.05.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has moved this Court earlier for anticipatory bail vide Cr. Appeal (SJ) No. 3659 of 2021.

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellant for bail submitting that the present accused-appellant is the main accused who had run vehicle over the victim and case of the present accused-appellant is not similar to that of the other co-accused persons who have got bail.

Considering the aforesaid facts and circumstances, particularly the fact that the present accused-appellant is the main accused, I am not persuaded to enlarge the appellant on bail at this stage. As such, there is no infirmities in the impugned order, this appeal is accordingly dismissed.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of



one year, the appellant is at liberty to renew his prayer for bail.

The learned counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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