

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2517 of 2022**

Arising Out of PS. Case No.-102 Year-2019 Thana- MORKAHI District- Khagaria

Rakesh Paswan @ Pawan Paswan Son of Parmanand Paswan Resident of
Village - Sabalpur, P.s.- Morkahi, Distt.- Khagaria.

... .. Appellant

Versus

1. The State of Bihar
2. Ragini Kumari W/o Late Nand Lal Paswan Resident of Village - Sabalpur,
P.s.- Morkahi, Distt.- Khagaria.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Viveka Nandsingh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 01-09-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor.

2. By filing this appeal, the appellant has renewed his prayer for bail in connection with Supplementary Morkahi P.S. Case No. 102 of 2019 registered for the offence punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(v) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act. The appellant has six criminal antecedents. He is in custody since 18.12.2020.

3. Learned counsel for the appellant submits that earlier the prayer for bail of this appellant was rejected vide order dated 02.09.2021 after taking note of the fact that the prayer for bail of the co-accused Rajesh Yadav @ Chhedi Yadav



has already been rejected by a learned co-ordinate Bench of this Court, however, as on today, the changed circumstance is that said Rajesh Yadav @ Chhedi Yadav has been acquitted by the learned trial court.

4. Learned counsel further submits with reference to the Station Diary Entry, copy of the certified copy of which has been placed on record as Annexure '3' with the supplementary affidavit that the initial information given to the police station was that the husband of the informant had been sought dead by some unknown criminals. It is submitted that the police station is situated just after 4-5 houses at about 200 meters from the house of the informant but the FIR has been lodged in this case after about fourteen hours. It is submitted that these circumstances are indicating that the present appellant has been falsely implicated.

5. Learned counsel for the informant, however, submits that now the trial of this case has begun and two prosecution witnesses have already been examined. Learned counsel has also placed before this Court a copy of the order dated 02.08.2023 passed by the Hon'ble Division Bench of this Court in Cr. Appeal (DB) No. 754 of 2022 wherein the judgment of acquittal of said Rajesh Yadav @ Chhedi Yadav is



under challenge. It is submitted that the said appeal has been admitted and notice has been issued to respondent no. 2 in the said case.

6. Learned Special PP for the State has also opposed the prayer for bail of the appellant.

7. Having regard to the facts and circumstances of the case, the gravity of the offence alleged and the fact that the trial has already begun and it is likely to be concluded in a reasonable period, this Court is not inclined to grant privilege of bail to the appellant.

8. Prayer is refused.

9. The learned trial court is directed to proceed with the trial by keeping the records on shorter dates and all endeavours be made to conclude the trial within a period of six months from the date of receipt/production of a copy of this order.

10. List this case for hearing on its turn.

(Rajeev Ranjan Prasad, J)

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