

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2775 of 2022

Arising Out of PS. Case No.-163 Year-2020 Thana- KALYANPUR District- East Champaran

Ramesh Prasad @ Ratnesh Prasad Son Of Late Ajit Lal Sah @ Ajit Lal Prasad
Gupta Resident Of Village - Pipra Khem, P.S.- Kalyanpur, District - East
Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Choudhary son of Jagdeo Choudhary Resident of Village - Harpur
Haridas, P.S.- Kalyanpur, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Udbhav
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 27-04-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

25.07.2022 passed by the learned 3rd Additional

Sessions Judge-cum-Special Judge, SC/ST Court, East

Champaran, Motihari in connection with Trial No. 301 of

2021, arising out Kalyanpur P.S. Case No. 163 of 2020

instituted for the offences punishable under Sections

147, 148, 149, 323, 324, 325, 326, 307, 302, 504,

506, 427 of the Indian Penal Code and Sections 3(1)(r)



(s) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

The accusation in the F.I.R is of the brother of the informant having been killed at the hands of the accused persons including the appellant. So far as the appellant is concerned, he is said to have pierced a sharp cutting weapons in the body of the deceased.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case due to political rivalry. The appellant had been successfully contesting election of Mukhiya for the last three terms but in the present election, he had lost by a slender margin of 300 votes. The deceased may have died in another transaction but taking advantage of his death, the appellant had been made accused in this case. The occurrence is said to have taken place at about 10 O'clock in the night and without any means of identification, it was difficult to assign each and every accused person with specific overt



act. The appellant is in custody since 13.09.2021.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant and submitted that there is specific allegation against the appellant that he pierced a sharp cutting weapon in the body of the deceased. The postmortem report suggests that the victim sustained incised wound over D/L region size 1"x 1/2" x bone deep. Incised wound over right elbow 1/2" x 1/2" x skin deep. Bruise over left arm 4"x 2". Abrasion over upper abdomen size 2" x 1/2". Incised wound over right leg size 1/8 x 1/4" x bone deep. Incised wound over head-frontal region size 2 1/2 x 1/2" x deep in the cranial cavity and the cause of death is due to hemorrhage and shock due to sharp edge weapon and hard and blunt object. During investigation, the independent witnesses have also supported the case of the prosecution.

Considering the fact that there is specific



accusation against the appellant, this Court is not inclined to grant bail to the appellant. The prayer for grant of bail to the appellant stands rejected.

The Trial Court is directed to expedite the trial and conclude the same within a period of nine months.

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

(Sunil Kumar Panwar, J)

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