

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3085 of 2022**

Arising Out of PS. Case No.-152 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. Sanjay Prasad, Son of Yogendra Prasad Resident of Village - Balau, P.S.- Maharajganj, District - Siwan.
2. Dhanesh Prasad, Son of Shiv Nandan Prasad Resident of Village - Balau, P.S.- Maharajganj, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Wakil Nat Son of Late Ajij Nat Resident of Village - Balau, P.S.- Maharajganj, District - Siwan.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Surendra Kumar Mishra  
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      12-01-2023                      Heard Ld. counsel for the appellants and Ld. APP  
for the State.

This criminal appeal has been filed to enlarge the appellants on bail, impugning the order dated 28.07.2022, passed by Ld. 1<sup>st</sup> Additional Sessions Judge-cum- Special Court, Siwan in connection with Special Case No. 152 of 2022 arising out of Maharajganj P.S. Case No. 152 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 342, 325, 337, 338, 307, 304, 448, 452, 435, 436, 427, 504, 506, 120 (B) of the Indian Penal Code



and 3(i)(r)(s)/ 2(v) of the SC/ST Act, whereby bail has been denied to the appellants.

The prosecution case as emerges from the FIR is that on 20.05.2022 at around 8:30 pm 50-60 persons of Balau Lerua village came and started firing openly due to which one Sagar Sah lost his life and one Prince Prasad sustained severe injury. It is also alleged that the accused persons set houses on fire resulting into death of a person and loss of property.

Ld. Counsel for appellants submit that the appellants are innocent and have falsely implicated in this case. He further submits that it is not the accused- persons, who has been named in the FIR who have committed the alleged offence. In fact, the Barat Party after knowing the news of the death of one person on account of firing, committed this offence. He also submits that investigation in this is complete and charge-sheet has already been submitted.

He further submits that the appellants have been languishing in jail since 27.05.2022.



It has also been stated in paragraph no. 3 of the appeal that the appellants , Sanjay Prasad and Dhanesh Prasad have been made accused in three and two other cases each, respectively.

It is also stated in paragraph no. 2 of the appeal that the appellants have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellants for bail submitting that the alleged offence is heinous in nature. On account of death of one person and injury caused to another on account of firing, the informant has clearly stated that the persons named in the FIR attacked the Nat Basti with different arms and set the houses of the people on fire resulting ultimately into death of a person and serious injury to some others.

Considering the nature of allegation and material on record, I am not persuaded to enlarge the appellants on bail at this stage.

**This appeal is rejected accordingly.**



However, Trial Court is directed to expedite the trial and in case trial is not concluded within one year, the appellants will have liberty to renew their prayer for bail.

Ld. counsel for the appellants 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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