

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3043 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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SANTOSH PASWAN SON OF SHANKAR PASWAN R/O VILLAGE-
ALLAL PATTI, P.S.- LAHERIASARAI, DISTRICT- DARBHANGA

... .. Appellant/s

Versus

1. The State of Bihar
2. SHATRUGHAN PASWAN SON OF LATE YOGENDRA PASWAN R/O
VILLAGE- KAMALPUR CHAPRAR, P.S.- BAHADURPUR FEULA
(O.P.), DISTRICT- DARBHANGA

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y.C. Verma (Sr. Adv.) Mr. Adarsh Singh Ms. Priyanka Singh
For the Respondent/s	:	Mr. Sadanand Paswan
For the Respondent No-2 :	:	Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 04-01-2023 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 23.07.2022,



passed by the Ld. 3rd Additional Sessions Judge Cum Exclusive Special Judge SC/ST (POA) Act, Darbhanga, arising out of Darbhanga Sadar P.S. Case No. 145 of 2022, registered for the offence punishable under Sections 302, 34 and 120(B) of the Indian Penal Code and Section 3(2)(va) of the SC/ST (POA) Act whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that when son of the informant was returning after participating in a panchayat, all of a sudden two or three people came there and started firing upon him due to which he died.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that there is no allegation against the appellant. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 07.07.2022

It has also been stated in paragraph no. 3 of the



appeal that the appellant has earlier been made accused in two other cases

It is also stated in paragraph no. 2 of the appeal that the appellant has 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 appellant for bail submitting that as per the FIR, it is this accused-appellant who used to threat the deceased to kill him.

Considering the aforesaid facts and circumstances, 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 six months, the appellant is at liberty to renew his prayer for bail.

Ld. 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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