

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4243 of 2022

Arising Out of PS. Case No.-353 Year-2019 Thana- BAKHTIARPUR District- Saharsa

NIRAJ YADAV S/O Satto Yadav @ Satya Narayan Yadav R/O Village-
Karua, P.S- Bakhtiarapur (Balwant O.P), District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kunti Devi W/O Late Raj Kumar Sharma R/O Village- Mohaniya, Ward No-3, P.S- Bakhtiarapur (Balwahat O.P), District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Sinha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 12-07-2023 Heard learned counsel for the appellant- petitioner and learned Additional Public Prosecutor (for brevity 'APP') appearing for the State of Bihar.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the order dated 13.09.2022, passed by the learned Additional Sessions Judge- 3rd cum-Special Judge, SC/ST Act, Saharsa in connection with Special Case No. 257/2019, Bakhtiarapur (Balwahat O.P.) P.S. Case No. 353/2019, whereby the prayer for regular bail on behalf of the appellant for the offence punishable under Sections 302, 386, 120(B)/ 34 of the I.P.C. and Section 3(2) (v) & 3(2)



(va) of the SC/ST (Prevention of Atrocities) Act and Section 27 of the Arms Act, has been rejected.

Appellant's prayer for bail was earlier rejected on 19.07.2021 in Cr. Appeal (SJ) No. 2302/2021. Rejection is by an order considering the matter on record, wherein at least two(2) persons have stated the petitioner's name in the course of investigation, with regard to firing. The call details record has also been considered.

He has renewed his prayer for bail and the Court had called for a report in Criminal Appeal (SJ) No. 3871/2021, being the bail application filed on behalf of the co-accused, which is listed along with this matter today, regarding the stage of trial, which is dated 26.06.2023, wherein, learned 1st Additional Sessions Judge-cum-Special Judge SC/ST, Saharsa has reported that three (3) out of six (6) witness have been examined and cross-examined. As per report, next date for prosecution evidence is 28.06.2023.

In view of the progress in the trial and having regard to the petitioner's period of custody since 03.07.2020, which are to be viewed, keeping in background the nature of allegation, regarding killing of the victim and thirteen (11) criminal antecedents of the petitioner, this court is not inclined to take



different view today. Prayer for bail is rejected.

The Trial Court should make all endeavours to conclude the trial expeditiously and without any unnecessary adjournments or undue delay.

(Madhuresh Prasad, J)

Raj kishore/-

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