

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.245 of 2024

Arising Out of PS. Case No.-553 Year-2021 Thana- BIDUPUR District- Vaishali

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Kunal Kumar S/O Late Diwakar Singh Village- Dilawarpur Goverdhan, P.S.-
Bidupur, Dist. Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vivek Kumar S/O Late Rana Sharma Village- Pananpur Dilwarpur, P.S.-
Bidupur, Dist. Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Sagrika, Advocate
For the State : Ms. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 12-07-2024 Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

2. This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 19.12.2023, passed by Ld. Exclusive Special Judge SC/ST Act-cum-Addl. Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 553 of 2021 dated 11.11.2021, registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506 and 447/34 of the Indian Penal Code, Sections 3(i)(r)(s)/2(va) of SC/ST Act and Section 27 of the Arms Act, whereby bail of the appellant has been rejected.

3. The prosecution case as emerging from the FIR is



that on 10.11.2021 at about 10.45 P.M. all the accused persons including the appellant came at the house of the informant, started abusing him by taking his caste name and also assaulted his uncle, namely, Chnadrawali Sharma and when the informant came to save his uncle, co-accused Raju Singh, on the order of the appellant, fired at the informant, resulting into his death.

4. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the appellant has been implicated in this case on account of enmity, as the wife of the appellant has contested panchayat election. He further submits that the appellant has been in jail since 16.01.2022. He also submits that the trial is not proceeding till date, even charge has not been framed.

5. It has also been stated in paragraph no. 3 of the appeal that the appellant has six criminal antecedents.

6. However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail submitting that the alleged offence is serious in nature. It is the appellant on whose order co-accused Raju Singh has caused fire arm injury to the victim (informant) which ultimately resulted into his death. As such, the Appellant does not deserve to be



enlarged on bail.

7. Considering the nature of allegation, I am not persuaded to enlarge the Appellant on bail. Hence, I find that there is no illegality or impropriety in the impugned order dated 19.12.2023 passed in Bidupur P.S. Case No. 553 of 2021.

8. Accordingly, the Appeal is dismissed.

9. However, Ld. Trial Court is directed to expedite the trial and conclude the same within six months. If the trial is not concluded within the stipulated time, the appellant will be at liberty to renew his prayer for bail.

(Jitendra Kumar, J.)

ravishankar/S.Ali-

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