

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1304 of 2023**

Arising Out of PS. Case No.-1266 Year-2021 Thana- KANKARBAG District- Patna

Amit Kumar Son of Vijay Sankar Prasad Resident of Village - Chandraura,
P.S. - Kako, Distt. - Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Chaudhary Son of Late Bajo Chaudhary Resident of village -
Mudhena, P.S. - Rajaoli, Distt. - Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhimanyu Deo, Adv.
For the Respondent/s	:	Ms.Usha Kumari 1, SPP
For the Resp.No.2	:	Mr. Shankar Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 21-03-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant/respondent no.2. Perused the case diary.

The appellant has earlier moved before this Court
with a prayer for bail which was withdrawn vide order dated
11.01.2023 passed in Cr. Misc. No. 65189 of 2022.

2. The instant appeal has been filed by the appellant
against the order dated 22.08.2022 passed by learned Special
Judge, SC/ST Act, Patna whereby the prayer for bail of the
appellant in connection with Kankarbagh P.S. Case No. 1266 of
2021 under Sections 302, 201, 34 of the I.P.C., Section 27 of the
Arms Act and Section 3(2)(v) of the SC/ST Act, was rejected.



3. Accusation has been made against the appellant of being involved in the murder of the younger brother of the Informant, who was a transgender.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The case has been registered against unknown persons by the Informant and his name has transpired in this case only on the basis of confessional statement of co-accused and against this, there is nothing on record. Nothing incriminating has been recovered from the possession of the appellant. There is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. He further submits that no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 04.04.2022 and has four criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

Pursuant to the earlier order passed by a Co-ordinate Bench of this Court, the learned court below has sent its report dated 24th January, 2024 stating therein that five prosecution



witnesses have been examined as yet and three prosecution including Doctor and I.O. has been remained to be examined and the next date is fixed on 29.01.2024.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant as also taking into account the status report sent by the court below, this Court is not inclined to grant bail to the appellant at this stage.

9. Accordingly, the prayer for bail of the appellant, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of three months from today.

10. If the trial is not concluded within the aforesaid period of three months, the appellant will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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