

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2323 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KHUDWA District- Aurangabad

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1. Umesh Chaudhary S/O Late Harihar Chaudhary R/O Village- Malwan, P.S- Khudawan, Distt.- Aurangabad.
 2. Dipak Chaudhary S/O Late Jagdish Chaudhary R/O Village- Malwan, P.S- Khudawan, Distt.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagjiwan Ram S/O Tapeswar Ram R/O Village- Malwan, P.S- Khudawan, Distt.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Binod Kumar Pandey, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, SPP
		Mr. Rikesh Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

8 04-04-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 31.03.2023. passed by learned Special Judge (SC/ST) cum Additional District Judge I, Aurangabad whereby the prayer for bail of the appellants in connection with Khudwan P.S. Case No. 15 of 2023 under Sections 147, 148, 149, 323, 326, 341, 307, 302, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) 3(2)(v)



(v) of SC/ST Act, was rejected.

3. As per prosecution case, the accusation against the accused persons including the appellants is of being involved in the commission of murder of the deceased. It has been alleged that the accused persons have fired indiscriminately on the victims of this case in which one lady was killed and many others were got injured.

4. Learned counsel for the appellants submits that the appellant has falsely been implicated in the present case due to village politics and previous enmity. There is no any direct or specific allegation of any overt act against the appellants rather the same is general and omnibus. The specific allegation is upon co-accused Satyendra Chaudhary who fired upon the Informant's mother Mohramani Devi who died soon thereafter. Charge-sheet has been submitted in this case. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 06.02.2023. The appellant no.1 has altogether six criminal antecedents whereas appellant no.2 has one criminal antecedent.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants, stating that the appellants are named in the F.I.R. and in the injury report, the nature of injury has been mentioned as grievous and the cause of injury by pellet. The appellants have also criminal antecedents and, thus, the appellants do not deserve bail.

6. Pursuant to the earlier order of this Court dated 22.02.2024, the learned Trial Court has sent its report dated 14.03.2024, stating therein that the case is at the stage of prosecution evidence and no witness has been examined as yet and the time expected to be taken for conclusion of the trial is nine months.

7. Considering the aforesaid facts and circumstances of the case and taking into account the rival submissions made by the parties as also taking into account the offence being serious in nature and the report sent by the learned trial court, this Court is not inclined to grant bail to the appellants at this stage.

8. Accordingly, the prayer for bail of the appellants, 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 nine months from the date of receipt/production of a copy of this order.

9. If the trial is not concluded within the aforesaid period of nine months, the appellants 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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