

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2386 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

Deepan Yadav @ Deepan Das S/O LATE KARU YADAV R/O VILLAGE-
Ganglo Bigha, P.S.- Makhdumpur, DIST- Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. RUNTI DEVI W/O SURENDRA DAS R/O VILLAGE- SAHAY BIGHA,
P.S.- MAKHDUMPUR, DIST- JEHANABAD

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 19-08-2024 Heard learned counsel for the appellant as well as
learned counsel for the respondent.

2. This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 06.04.2024 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge SC/ST Act, Jehanabad in connection with Makhdumpur P.S. Case No. 66 of 2024 registered for the offences punishable under Sections 363, 341, 323, 302, 504, 506/34 of the Indian Penal Code & Section 3 (2) (va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

3. As per allegation, informant Runti Devi makes allegation in the FIR that on 15.02.2024, her son Akshay Kumar went to appear in his matriculation examination with his grandfather Mungesar Das. Her son entered into examination center and his grandfather was waiting for him outside. When Akshay Kumar came out of the examination center, the appellant Deepan Yadav @ Deepan



Das and Guddu Yadav kidnapped Akshay Kumar and also his grandfather Mungesar Das. All the accused persons, named in the FIR, badly assaulted Akshay Kumar and Mungesar Das. After abusing them by their caste name, they were also making allegation that the deceased had made viral photograph of the daughter of appellant Deepan Yadav @ Deepan Das. The accused persons killed the deceased by making him injured after riding on his chest and after pressing his throat.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. He has further submitted that the place where murder is alleged to have been committed, is at a distance of 40 kilometers from the school where the deceased had participated in matric examination. In the way, thereafter, three police stations were located but there is nothing on the record, which shows that the matter was reported in those police stations which failed. He has also submitted that the allegation of kidnapping is only on the appellant. As per submission it is not possible for two persons and check them at a distance of 40 kilometers. He has next submitted that there is contradiction between the statement of grandfather of the deceased, whose statement has been recorded in paragraph no. 4 of the case diary and the statement of the independent witness, whose statement has been recorded in paragraph no. 56 of the case diary. The grandfather of the deceased in paragraph no. 4 of the case diary has mentioned the 14 FIR named



persons, who participated in assaulting the deceased. The independent witness in paragraph no. 56 of the case diary has named only three persons. The petitioner is under custody since 17.02.2024.

5. On the other hand, the learned counsel for the informant as well as learned Special Public Prosecutor for the State have opposed the prayer for bail by submitting that Mungesar Das is the eye witness and also the injured. He fully supported the occurrence. He has further submitted that the independent witness in paragraph no. 56 of the case diary has also named the appellant along with other two co-accused persons Beepan and Rahul Kumar.

6. A report was called for from the learned court below in respect of excepted time for conclusion of the trial. The report is available with the record, which shows that the learned court below shall take every endeavor to dispose of the trial within a period of seven months.

7. Considering the above-mentioned facts and circumstances, this appeal is dismissed with the observation that the learned court below shall take every endeavor to dispose of the trial within a period of seven months. If the trial is not concluded within the stipulated period, the appellant will be at liberty to renew his prayer for bail.

(Nawneet Kumar Pandey, J)

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