

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2960 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- BIND District- Nalanda

Chhotu Mahto @ Prabhat Mahto Son of Suresh Prasad @ Mahto Ji Resident
of Village- Masiyabigha, Ps- Bind, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Rahul Kumar Son of Dharamvir Paswan Resident of Village- Masiyabigha,
PS- Bind, District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pranav Kumar, Adv.
For the State	:	Mr.Sadanand Paswan, SPP
For the Resp. No.2	:	Mr. Pravin Kumar Gupta, Adv.

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

ORAL ORDER

8 21-03-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel

for the respondent no.2.

2. The instant appeal has been filed by the

appellant against the order dated 15.02.2023. passed by

learned Additional District & Sessions Judge-III cum Special

Judge, SC/ST Bihar Sharif at Nalanda whereby the prayer for

bail of the appellant in connection with Bind P.S. Case No.

26 of 2022 SC/ST Case No. 44 of 2022 under Sections 302

of the I.P.C., Section 27 of the Arms Act and Section 3(i)(r)

(S)/3(2)(v) of the SC/ST Act, was rejected.



3. The allegation against the appellant is of firing upon the father of the Informant/Dharamvir Paswan due to which he died at the spot. It is further alleged that the appellant also opened fire at his father-in-law/Chottan Paswan which hit at his left arm and his treatment is going on.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that the date of occurrence is of 23.02.2023 but, the F.I.R. was lodged on 24.02.2022 and there is no satisfactory explanation for such delay. There is no eye-witness to the occurrence. There is no independent witness to support the prosecution case. No offence under the provisions of SC/ST Act is also made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 26.02.2022 and has no criminal antecedent.

5. Learned Special P.P. for the State as well as the Informant/respondent no.2 have vehemently opposed the prayer for grant of bail to the appellant stating that there is



a direct and specific allegation of firing against the appellant and the postmortem report also supports the prosecution case and, thus, the appellant does not deserve bail.

6. Pursuant to the order passed by the Co-ordinate Bench of this Court, the learned trial court has sent its report dated 22nd January, 2024, stating therein that out of nine charge-sheeted witnesses, six witnesses have been examined by the prosecution. It has also been stated that it would take four months for conclusion of the trial and the date fixed for prosecution evidence is on 02.02.2024.

7. Considering the aforesaid facts and circumstances of the case and looking to the nature of accusation against the appellant which is direct and specific as also the report sent by the learned trial court, this Court is not inclined to grant bail to the appellant at this stage.

8. 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 four months from today.

9. If the trial is not concluded within the aforesaid



period of four 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.

10. Accordingly, the appeal stands disposed of.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

