

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3382 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- SANGRAMPUR District- Munger

Prushottam Kumar Yadav @ Chhotu Yadav Son Of Prakash Yadav, R/o
Village- Aamgarwa, Ps- Belhar, Distt- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhir Kumar Das, Resident Of Village + Ps- Sangrampur, Distt- Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Kamal Nayan, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

7 04-04-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 20.06.2023 passed by learned Additional District and Sessions Judge-I-cum-Special Judge(SC/ST Act), Munger whereby the prayer for bail of the appellant in connection with Sangrampur P.S. Case No.257 of 2022 under Sections 341, 324, 326, 307, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of SC/ST Act was rejected.

3. As per the prosecution case, on the alleged date of occurrence the informant was going from his sister's house Kuraba (Dhori) and when he reached near about 200 meter from Lalia Dhankund Canal, three miscreants boarded on one motorcycle



came and fired upon the informant, which hit at his right arm. Two persons have been identified as petitioner and Marwari Yadav @ Kana and one unknown was driver. The informant flee away about 100 meters then he saw that again three miscreants boarded on one another motorcycle came. Out of them, one person with arm was running behind the informant. In order to save his life the informant jumped into *nahar* (canal) and the miscreants have fired 7 rounds but none of bullets hit him.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. There is no specific allegation of firing has been alleged against the appellant. He is languishing in judicial custody since 06.04.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. From perusal of the F.I.R., impugned order dated 20.06.2023, original case diary as well as supplementary case diary, it appears that on the basis of written report of informant Sudhir Kumar Das F.I.R. registered against three accused persons including the present appellant. As per F.I.R., during offence two persons including the appellant have been identified by the



informant (injured) and the informant specifically stated that appellant is a person who had taken him on gun point. One empty cartridge has also been recovered from the place of occurrence. On perusal of case diary and injury report, it appears that gun shot injury found on the body of the informant which is grievous in nature. During investigation, witnesses have also supported the prosecution case. As reported by learned trial court that trial has already been commenced.

7. Considering the aforesaid facts and circumstance of the case and submissions of learned counsel for the parties, I do not find it appropriate to grant bail to the appellant and as such, the appeal stands rejected.

7. Learned trial Court is directed to conclude the trial within six months from the date of receipt of the order and if not concluded, appellant may renew his prayer of bail before the trial Court.

(Ramesh Chand Malviya, J)

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