

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3711 of 2023

Arising Out of PS. Case No.-45 Year-2020 Thana- KHARHAGPUR District- Munger

Jitendra Kumar @ Jittu Rajak @ Jitendra Rajak son of Wakil rajak Village-
Gaura Ps- Haweli Kharagpur Shampur OP Dist- Munger

... .. Appellant

Versus

1. The State of Bihar
2. Bablu Choudhary Late Sumrit Choudhary R/O vill- Gaura, P.S.-Shampur
(O.P Khargpur), Dist Munger.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Rudal Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl PP
For the Informant	:	Mr. Pawan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-05-2024 Heard learned counsel for the appellant, learned counsel
for the informant and learned Spl. PP for the State.

2. This appeal has been filed for setting aside the order dated 04.07.2023 passed by learned Additional Sessions Judge-I-cum-Special Judge (SC/ST) Act, Munger in connection with Haveli Kharagpur (Shampur) P.S. Case No. 45 of 2020 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The appellant has got one criminal antecedent. He is in custody since 07.05.2021.

3. As per the prosecution story, the eight years grandson (daughter's son of the informant) was living with the informant in



his village and on the fateful day while playing, he had gone to the eastern side but did not return. On the next day, in course of search, the dead body of the boy was found in pool of blood near a bush. The informant claimed that due to the old enmity between the appellant and him, the appellant had killed his grandson and threw his dead body in the bush.

4. Learned counsel for the appellant submits that earlier, prayer for bail of the appellant was rejected by this Court vide order dated 21.10.2021 passed in Cr. Appeal (SJ) No. 3463 of 2021 but some of the accused who are similarly situated have been granted bail by learned co-ordinate Benches of this Court. It is submitted that learned counsel for the appellant could not bring those orders to the notice of this Court.

5. Learned counsel for the informant submits that this Court while rejecting the prayer for bail of the appellant had looked into the orders passed by learned co-ordinate Benches of this Court in three different criminal appeals and this may be found mentioned in the order of this Court itself.

6. It is submitted that status report received from the learned trial court is on the record from which it would appear that eight charge-sheet witnesses have already been examined, those materials are not available on the record and this Court is not expected to grant bail to the appellant without going into those



records.

7. Learned Spl. PP for the State submits that now only two Investigating Officers have remained to be examined. This Court has been informed that presently the Court is vacant, however, it is not denied that there is an In-charge Additional Sessions Judge First Court.

8. In the circumstances stated hereinabove, finding that now the trial is on the verge of conclusion and only two Investigating Officers have remained to be examined and no fresh ground has been made for bail, this Court refuses to set aside the impugned order.

9. This Court, however, directs the learned Sessions Judge, Munger to ensure that the trial in this case must progress in the In-charge court and the two Investigating Officers who are required to be examined, be examined within a period of one month from the date of receipt/production of a copy of this order and thereafter appropriate steps be taken to conclude the trial as early as possible.

10. With the aforesaid observations, this application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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