

Arising Out of PS. Case No.-177 Year-2021 Thana- HARNAUT District- Nalanda

... .. Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Madhusudan Rai, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 05-01-2024 Heard Mr. Madhusudan Rai, learned counsel
appearing on behalf of the appellant and learned Spl. PP for the
State.

2. The present appeal under Section 14-A (2) of the Scheduled Castes/Scheduled Tribes, Prevention of Atrocities Act, 1989 (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 27.02.2023 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act Bihar Sharif, Nalanda in connection with SC/ST Case No. 98 of 2021, arising out of Harnaut P.S. Case No.177 of 2021, registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code, Section 27 of the Arms



Act and Sections 3(2)(v) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

3. This is the second attempt made on behalf of the appellant against the order rejecting his bail. Earlier the appeal was rejected, taking into consideration the specific nature of accusation and the gravity of the offence, apart from the fact that eye witnesses to the alleged occurrence have also supported the prosecution case, vide order dated 18.08.2022, passed in Cr. APP (SJ) No. 334 of 2022.

4. It is submitted on behalf of the appellant that the appellant has been incarcerated since 16.07.2021, without there being any cogent material to support the prosecution case. He submitted that though, earlier the prayer of the appellant has been negated by the Court, but the fact is that the post-mortem report clearly suggests that death has occurred on account of injury caused by hard and blunt substance, whereas the allegation against the appellant is of causing fire-arm injury. He next submitted that during the course of trial, the witnesses have not specifically supported the prosecution case and there is no likelihood of conclusion of trial in near future.

5. On the other hand, learned counsel for the State opposes the bail application and drawing the attention of this



Court to the impugned order submitted that during the course of trial, the witnesses, namely, Awadhesh Paswan, Damodar Paswan, Sikandar Paswan, Vikram Paswan and Bijendra Paswan have supported the prosecution case and now from the record it appears that all the witnesses have been examined by the trial court and, as such, at the fag end of the trial, release of the appellant from the custody shall certainly hamper the conclusion of the trial.

6. Considering the submissions advanced on behalf of the parties and materials available on record, prima facie, it appears that all the witnesses have been examined and, as such, it would not be proper to release the appellant on bail, at the fag end of the trial.

7. In view of the aforesaid, this Court is not persuaded to enlarge the appellant on bail and, accordingly, the present appeal stands rejected with a direction to the learned trial court to conclude the trial preferably within a period of three months from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

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