

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3814 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- KARPI District- Jehanabad

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LALAN SHARMA son of Late Ram Lagan Sharma @ Shiv Lagan Sharma
Village- Aiaraa Ps- Karpi Dist- Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Ekbal Ram son of Ganauri Das Village- Gadopur Ps- Karpi Dist- Arwal

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Md. Waliur Rahman, Advocate
For the Informant	:	Mr.Paras Nath, Advocate
	:	Mr.Savitesh Kumar, Advocate
	:	Mr.Sumitra Shah, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

8 02-05-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 15.04.2023 passed by A.D.J. I-cum-Special Judge, SC/ST Act, Jehanabad whereby the prayer for bail of the appellant in connection with Karpi P.S. Case No. 299 of 2022 under Sections 302, 201, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, on the alleged date and time, the son of the informant had gone to the house of



Sonu Sharma to attend *Tilak* ceremony but he did not return till next morning. It is further alleged that next morning the dead body of the son of the informant was found lying with firearm injury in the land of Jhabbu Sharma. The informant believes that his son has been murdered by the appellant and other accused persons.

4. Learned counsel for the appellant submits that the appellant is aged about 75 years and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Informant is not the eye-witness to the alleged occurrence. Learned counsel further submitted that on perusal of the FIR it appears that blood stains were found from the house of Bablu Sharma to the place from where the dead body of the deceased was recovered. Learned counsel, therefore, contended that since this petitioner also lives in the house of Bablu Sharma, he has falsely been implicated in this case merely on the basis of suspicion. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 13.12.2023 and has six criminal antecedents.

5. Learned Special P.P. for the State and the informant



have vehemently opposed the prayer for grant of bail to the appellant, and submitted that various witnesses have supported the prosecution case (para-23, 24 of the case diary). Learned SPP further submitted that death of the deceased has been caused due to firearm injury resulting internal haemorrhage and shock.

6. On perusal of the record, it appears that earlier, the report regarding the stage of the trial was called for and the same has been received. In the said report, the trial Court has reported the out of thirteen witnesses, one witness has been examined.

7. Having considered the submissions canvassed by the learned counsel for the parties, material placed on record, and having considered the nature and gravity of offence, coupled with the fact that appellant has six criminal antecedents, now, at this juncture, this Court is not inclined to grant bail to the appellant.

8. Accordingly, appeal is dismissed. Learned trial Court is directed to conclude the trial expeditiously. However, considering the age of the appellant, if the trial is not concluded within six months from the date of receipt/production of this order, the appellant shall have liberty to renew his prayer for



bail before the trial Court and trial Court shall consider the same on its own merit without being prejudiced by this order. Further, direction is also given to the District Magistrate, Jehanabad and Superintendent of Police, Jehanabad to produce the witnesses as and when required by the learned trial Court.

9. Let a copy of this order be communicated to District Magistrate, Jehanabad and Superintendent of Police, Jehanabad.

(Rudra Prakash Mishra, J)

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