

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3680 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- MADHEPURA District- Madhepura

Bablu Yadav Son of Ramanand Yadav Resident of Village- Bhjatranda, P.S.-
Madhepura(Parmanandpur O.P.), District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Dasrath Sharma Son of Late Gulat Sharma Resident of Village- Bhatrandha,
Ward No. 08, P.S.- Madhepura(Parmanandpur O.P.), District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bal Krishna Mishra, Adv.

For the Respondent/s : Mr.Sadanand Paswan, SPP

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

ORAL ORDER

6 14-03-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State as also perused the

case diary. No one appears on behalf of the Informant

though the notice has been served validly upon the

respondent no.2.

2. The instant appeal has been filed by the

appellant against the order dated 31.08.2022 passed by

learned Additional District and Sessions Judge, 1st

Madhepura whereby the prayer for bail of the appellant in

connection with Madheura (Parmanandpur O.P.) P.S. Case

No. 27 of 2022 corresponding to SC/ST Case No. 04 of



2022 under Sections 379, 307, 34 of the I.P.C. and Section 27 of the Arms Act and Sections 3(1)(r)(s)/2(2va) of the SC/ST Act was rejected.

3. As per prosecution case, the accusation against the appellant is that he along with other accused persons have fired gun-shot on the Informant but, by luck, the bullet hit *Pankha* of his neck. It is also alleged second shot was also fired by the appellant which hit at the right ear of Feku Sharma. As a result, both of them sustained grievous injury and fell down on the earth in unconscious condition. Thereafter, they were taken to hospital for treatment.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. There is a case and counter case between the parties. Nothing incriminating has been recovered from the conscious possession of the appellant. Both sides have sustained injury during the free fight upon the land of the appellant's family. 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. Charge-sheet has been submitted in this case. The appellant is in custody since 28.03.2022 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant stating that there is specific and direct allegation of firing against the appellant. He further submits that the medical report also supports the prosecution case.

6. Pursuant the earlier order of this Court, the court below has sent its report regarding stage of the case dated 16th February, 2024 stating therein that out of nine charge-sheeted witnesses, two witnesses have already been examined and there is likelihood that the trial would be concluded within coming six months.

7. Considering the aforesaid facts and circumstances of the case and there being specific and direct allegation of firing against the appellant as also taking into account the report sent by the court below, this Court is not inclined to grant bail to the appellant for the present.

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 six months from today.

9. If the trial is not concluded within the aforesaid period of six 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.

(Rudra Prakash Mishra, J)

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