

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4896 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- MIRGANJ District- Gopalganj

Ram Bhagat, aged about 38 years, Male, S/o Hawa Singh, Resident of Village Sultanpur (138), Hisar, P.S. Hasi, Dist. Hisar (Haryana).

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi, Female, W/o late Motilal Sah, Resident of Mirganj South Mohalla Ward No. 22, P.S. Mirganj, Dist. Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, SPP
Mr. Irshad Ahmad Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 21-03-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 21.09.2023 passed by learned Additional Sessions Judge-XI cum Exclusive Special Judge, SC/ST Act, Gopalganj whereby the prayer for bail of the appellant in connection with Mirganj P.S. Case No. 278 of 2023 under Sections 302/34 of the I.P.C. and Section 3(i)(r)(s) 3(2)(v) of the SC/ST (POA) Act, was rejected.

3. The allegation against the accused along with present appellant is of committing murder of the



deceased/husband of the Informant by way of stabbing.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He further submits that there is no direct and specific allegation of any overt act against the appellant. There is no case for offence under SC/ST Act is made out against the appellant. There is also no eye-witness to the occurrence. The Informant is also not the eye-witness of the occurrence. The appellant is in custody since 21.07.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant stating that there is a dying declaration of the deceased and the witnesses in the case diary have also fully supported the allegation. The postmortem report also supports the prosecution case and, thus, the appellant does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case as also there being dying declaration of the deceased himself and taking into account the postmortem report fully supporting the prosecution case, this Court is not inclined to grant bail to the appellant.

7. 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 one year from today.

8. If the trial is not concluded within the aforesaid period of one year, 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.

9. The appeal stands disposed of.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

