

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2539 of 2024

Arising Out of PS. Case No.-592 Year-2022 Thana- ISLAMPUR District- Nalanda

Anurag Chauhan son of Mahesh Chauhan R/v - Rupam Bigha, P.s. - Islampur,
District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushma Devi wife of Laltu Sapera R/v - Hasanganj, P.s. - Islampur, District - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumari Sujata Sinha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Shashi Chand Pandey, Advocate

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

ORAL ORDER

5 27-01-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 14-05-2024 passed by Additional District & Sessions Judge-VI-cum-Special Judge, SC/ST Court, Nalanda whereby the prayer for bail of the appellant in connection with Islampur PS Case No. 592 of 2022 under Sections 302 & 34 of the Indian Penal Code was rejected.

3. Prosecution case, in short, is that ‘Sushma Devi’ filed complaint case No. 628C/2022 on 28-09-2022 in the Court of Additional Chief Judicial Magistrate, Hilsa (Nalanda), which



was sent to Islampur Police Station leading to registration of the present FIR, wherein it is alleged that informant's husband went to attend a wedding ceremony but did not return and he was informed by the appellant herein that husband of the informant was lying on the road and was admitted to Islampur hospital and it is alleged that appellant and other co-accused persons had killed her husband.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. It is submitted that during course of investigation, nobody has come to support the prosecution story as alleged in the FIR. There is no direct or indirect evidence has come against the appellant and the appellant has no concern with the deceased in any manner. 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 has no intention to disgrace the image of the informant in public view. The appellant is in custody since 16-04-2024 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. Referring to paragraph No.12 of the case diary, it is submitted that witnesses has supported the prosecution case.

6. A report was called for from the trial court and it is reported that out of eleven charge sheet witnesses, four witnesses have been examined by the prosecution. It is further reported that it would take nine months for conclusion of the trial.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence and taking into account the report of the trial court, this Court, at this stage, is not inclined to allow the appeal. Appeal is, accordingly, *dismissed*.

8. However, appellant would be at liberty to renew his prayer for bail if the trial is not concluded within a period of six months.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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