

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4639 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- NATIONAL HIGHWAY District-
Samastipur

Avinash Kumar @ Raushan Kumar S/o Mahesh Chaurasiya Resident of
Village- Kothiya, Ward No 7, PS- Bangra, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ratan Kumar S/o Munni Lal Paswan R/o vill - Kothiya, P.S. - Bangra, Distt.
- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Kumar, Adv.
For the Respondent/s : Ms.Usha Kumari 1, SPP
For the Resp. No.2 : Mr. Sheo Kumar Prasad, Adv.

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

ORAL ORDER

5 20-02-2025 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 12.09.2024 passed by learned Special
Judge SC & ST (POA) Act, Samastipur whereby the prayer for
bail of the appellant in connection with N.H. Bangra P.S. Case
No. 62 of 2024 under Sections 307, 34 of the I.P.C. and Section
27 of the Arms Act and Sections 3(2)(v) of the SC/ST (POA)
Act, was rejected.



3. As per prosecution case, the accusation against the appellant is of firing on the Informant from pistol as a result of which he sustained bullet injuries on his neck and right hand and, thereafter, the appellant flee away from there on motorcycle driven by the co-accused Md. Dulare.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case with false and frivolous allegations and on the basis of suspicion. The appellant has not committed any offence as alleged in the F.I.R. Learned counsel for the appellant submits that there is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. The appellant was not arrested on spot. Though the entire case of the prosecution is based on the statement of the Informant but, the Informant has not supported the prosecution case. The appellant has no criminal antecedent and is languishing in judicial custody since 15.05.2024 without any rhymes or reason.

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 the offence alleged against the appellant is serious in nature. He further submits that there is direct and



specific allegation of firing against the appellant. Several witnesses have also supported the prosecution case.

6. In compliance to the order of this Court, the learned court below has sent status report dated 24.01.2025. From perusal of the same, it appears that out of seven prosecution witnesses, two prosecution witnesses including the Sergeant Major and Doctor are still left to be examined in the present case. It is also stated that if the prosecution and defence cooperates then the trial of this case is expected to be concluded within four months.

7. Having heard learned counsel for the parties and taking to into account the nature and gravity of the offence alleged, there being direct allegation of firing against the appellant as also considering the status report sent by the learned court below, this Court is not inclined to grant bail to the appellant at this stage.

8. Accordingly, the appeal stands dismissed with a direction to the learned court below to expedite the trial and conclude the same expeditiously preferably within a period of four months from the date of receipt/production of a copy of this order. If the trial is not concluded within the aforesaid period of four months, the appellant will be at liberty to renew his prayer



for bail before the court below which will be decided on its own
merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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