

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5378 of 2024

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

Bablu Yadav S/o Ramanand Yadav @ Ramnandan Yadav R/o Village-
Bhatrandha, PS- Madhepura, (Parmanandpur O.P.), Distt.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Dasrath Sharma S/o Late Gulat Sharma R/o Village- Bhatrandha, ward no. 8,
PS- Madhepura, (Parmanandpur O.P.), Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rupesh Kumar, Advocate

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

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

ORAL ORDER

5 09-05-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State as also perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 22-10-2024 passed by learned ADJ 1st
Special Court, Madhepura whereby the prayer for bail of the
appellant in connection with Madhepura (Parmanandpur O.P.)
P.S. Case No. 27 of 2022 instituted under Sections 379, 307, 34
of the I.P.C. and Section 27 of the Arms Act and Sections 3(1)(r)
(s)/3(2va) of the SC/ST Act was rejected. Earlier vide order



dated 14-03-2024, passed in Cr. Appeal (SJ) No. 3680 of 2022, appeal of the appellant 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. Charge-sheet has been submitted in this case. The appellant is in custody since 28.03.2022 and has no criminal antecedent. It is submitted that there is no likelihood of the trial being concluded in the near future.

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 03rd April, 2025 stating therein that eight witnesses have already been examined and only two witnesses are yet to be examined.

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 two months from today.

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

10. The District Magistrate, Madhepura and the Superintendent of Police, Madhepura are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

11. Let this order be communicated to the District



Magistrate, Madhepura and the Superintendent of Police,
Madhepura.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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