

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.100 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- KHUDWA District- Aurangabad

Ram Bali Chaudhari S/O Shiv Kumar Chaudhari R/O Village- Malwan, P.S-
Khudwan, Distt.- Aurangabad, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagjiwan Ram S/O Tapeswar Ram R/O Village- Malwan, P.S- Khudawan,
Distt.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Prasad, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

4 07-02-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. In spite of valid service
of notice upon the respondent no.2, no one has appeared on his
behalf. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 15.04.2023 passed by learned 1st
Additional District and Sessions Judge, Aurangabad whereby
the prayer for bail of the appellant in connection with Khudwan
P.S. Case No. 15 of 2023 under Sections 147, 148, 149, 341,
323, 326, 307, 302, 504, 506 of the Indian Penal Code and
Section 27 of the Arms Act and Sections 3(1)(r)(s)/3(2)(va)/3(2)
(v) of the SC/ST (POA) Act, 1989, was rejected.



3. As per prosecution case, the accusation against the accused persons including the appellant is of being involved in commission of murder of the deceased lady. It is alleged that the accused persons fired indiscriminately upon the victims of this case in which one lady was killed and many others sustained injuries.

4. Learned counsel for the appellant submits that the appellant is innocent and has has falsely been implicated in the present case due to village politics. The appellant has earlier moved before this Court with a prayer for bail in Cr. Misc. No. 39337 of 2023 which was dismissed for default vide order dated 16.08.2023 passed by a Co-ordinate Bench of this Court. He submits that the appellant was not present at the place of occurrence at the time of alleged occurrence rather was in the house and was arrested by calling him from his house under conspiracy. There is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. The specific allegation is upon co-accused Satyendra Chaudhary who fired upon the Informant's mother Mohramani Devi who died soon thereafter. The appellant is in custody since 06.02.2023. Similar co-accused have been granted bail by this Court vide order dated 04.04.2024 passed in Cr. Appeal (S.J.)



No. 2323 of 2023. Learned counsel for the appellant further submits that up till now, two witnesses have been examined and the trial is already in progress. Learned counsel for the appellant has filed supplementary affidavit stating therein that the appellant 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 the appellant is named in the F.I.R. and, in the injury report, the nature of injury has been mentioned as grievous, caused by pellet. From the impugned order, it also appears that the appellant has two criminal antecedents.

6. Considering the aforesaid facts and circumstances of the case and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the appellant. Accordingly, the prayer for bail of the appellant, above named, is rejected with a direction to the learned court below to expedite the trial and conclude the same expeditiously preferably within a period of nine months from the date of receipt/production of a copy of this order. If the trial is not concluded within the aforesaid period of nine months, the appellant will be at liberty to renew his prayer for bail before the court below which will be decided on merits without being



prejudiced by this order.

7. The appeal stands dismissed.

(Rudra Prakash Mishra, J)

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