

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.22 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- MARAUNA District- Supaul

Prabhu Yadav Son of Ramdas Yadav R/V- Kamrail Bhagwait Tola, PS-
Marauna Dist- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Ugranarayan Chaupal son of Ramdev Chaupal R/V- Kamrail Bhagwait Tola,
PS- Marauna Dist- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Priyanka Singh, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Resp. No.2	:	Mr. Amarnath Jha, Adv.

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

ORAL ORDER

5 19-06-2025 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 03.07.2024 passed by learned Additional
Sessions Judge I cum Special Judge SC/ST, Supaul whereby the
prayer for bail of the appellant in connection with in RB(SC/ST)
47 of 2024 arising out of Marauna P.S. Case No. 48 of 2024
instituted under Sections 147, 148, 149, 341, 323, 324, 325, 307,
302, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)
(s), 3(2)(v)(va) of the SC/ST Act, was rejected.

3. As per prosecution case, due to the construction of



Indira Awas on the land allotted by the Government, the accused persons variously armed came and assaulted the informant's side in which Vasudeo Chaupal died, Ramdev Chaupla was referred to DMCH, Dharbhanga and, thereafter to PMCH, Patna. There is allegation of injuring the other persons also.

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. There is a case and counter case between the parties. The present case is the counterblast of the F.I.R. filed by the appellant bearing Marauna P.S. Case No. 49 of 2024 against the respondent no.2. There is a longstanding land dispute between the parties. In the alleged occurrence, both the parties have sustained injuries. He further submits that the occurrence was not premeditated or planned rather the same arose from a sudden altercation between the parties due to disagreements over the land and, thus, such a spontaneous clash does not satisfy the ingredients required for constituting an offence under Section 302 or 307 of the I.P.C. There is no specific or direct allegation of any overt act against the appellant rather the same is general and omnibus in nature. There is no allegation of abusing in the caste name to any of the particular person. 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 has six criminal antecedents and is languishing in judicial custody since 17.05.2024 without any rhymes or reason. Charge-sheet has been submitted in this case. Similar co-accused have been granted bail by a Coordinate Bench of this Court vide order dated 18.03.2025 passed in Cr. Appeal (S.J.) No. 4695 of 2024.

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. The appellant is named in the F.I.R. and has six criminal antecedents.

6. Learned counsel for the Informant submits that as on 23.05.2025, two witnesses have already been examined and, thus, the trial is already in progress.

7. Having heard learned counsel for the parties and taking to into account the nature and gravity of the offence alleged as also taking into account that the trial is already in progress, this Court is not inclined to grant bail to the appellant.



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.

9. If the trial is not concluded within a period of four months from today, the appellant will be at liberty to renew his prayer for bail before the learned court below which will be decided on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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