

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.864 of 2023

Arising Out of PS. Case No.-466 Year-2019 Thana- NAGAR District- Vaishali

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SUBODH SINGH @ SUBODH KUMAR S/O ISHWARI PRASAD SINGH
R/v- Chistipur, P.S.- Chandi, District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Bijay Kumar Palo Singh Village and Post-Khurhadih, P.S.- Barhia, Dist-
Lakhisarai,

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shivanand Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 26-02-2026 Heard learned counsel for the appellant and learned
Special P.P. for the State.

2. The appellant, in the present case, is seeking setting aside of the order dated 22.07.2022 passed by learned Special Judge, SC/ST Vaishali at Hajipur in connection with SC/ST (GR) Case No. 2778 of 2019 arising out of Hajipur Town P.S. Case No. 466 of 2019 registered for the offence under Sections 341, 186, 307, 324, 326, 332, 333, 353, 120B/34 of the Indian Penal Code and Section 3(i)(r)(s) and 3(2)(n) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act. The appellant has got 13 criminal antecedents.



3. Earlier, the prayer for bail of the appellant was rejected by this Court vide order dated 26.10.2021 passed in Cr. Appeal (SJ) No. 3622 of 2021 after noticing that the appellant had not disclosed the complete criminal antecedents and his Lawyers sought to withdraw from the case as according to them, they were not properly briefed. Appellant has declared in paragraph '3' of the appeal that he has got 13 cases besides four others in which he claims that he had never been made accused in those four cases. It is stated that in some of the cases, he has been acquitted.

4. It appears from his own averments that he is accused in several cases across the country on the allegation that he has been involved in similar offences in other localities.

5. In the present case, as per the First Information Report lodged by the Hajat In-charge of Town P.S., Hajipur, one under-trial prisoner Manish Kumar Singh was shot at when he was taken to the court of learned A.C.J.M.-III for his production. It is alleged that Havaldar Raj Kishore Singh, Havaldar Poshan Paswan and prisoner Manish Kumar Singh were shot at by unknown criminals.

6. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case



only due to suspicion. He is in judicial custody since 30.09.2020 and in the meantime, the co-accused Vicky Kumar @ Vicky Singh and Kunal Kumar Singh @ Kunal Kumar on whose confession name of the appellant transpired, has already been granted bail by this Court.

7. On the other hand, learned Special Public Prosecutor for the State submits that from the impugned order of the learned Special Judge, it would appear that the impugned order relates to the prayer of the appellant for his discharge under section 227 CrPC. In this Court, the appellant is giving an impression as if he has been refused to be enlarged on bail, therefore, he should be granted bail after setting aside the impugned order.

8. This Court finds substance in the submissions of learned Special Public Prosecutor for the State. The impugned order dated 22.07.2022 is an order passed on the discharge application of the appellant. In the appeal filed before this Court, there is no pleading, submission or ground for setting aside of the impugned order, but the prayer is to enlarge the appellant on bail after setting aside the impugned order.

9. This appeal seems to be wholly misconceived.

10. This Court has been informed that the trial is not



progressing with adequate pace. In the aforesaid view of the matter, while rejecting the prayer for bail of the appellant, the trial court is directed to proceed with the trial keeping in view the recent judgment of the Hon’ble Supreme Court in the case of **The Central Bureau of Investigation Vs. Mir Usman @ Ara @ Mir Usman Ali** passed in **Special Leave to Appeal (Crl.) No(s). 969 of 2025** and conclude the trial as early as possible.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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