

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4713 of 2025

Arising Out of PS. Case No.-113 Year-2019 Thana- SALAKHUA District- Saharsa

Ganesh Yadav Son of Surya Narayan Yadav Resident of Village- Paraswanni
Dobhiya Tola Ward No. 11, P.S.- Salkhua (O.P. Banma Ithari), District-
Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Opisar Paswan S/o Bishundeo Paswan R/o Village- Paraswanni Dobhiya
Tola Ward No. 11, P.S.- Salkhua (O.P. Banma Ithari), District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 11-03-2026 Heard learned counsel for the parties.

2. By the instant appeal filed under section 14(A)(2) of the SC and ST (Prevention of Atrocities) Act, the appellant has renewed his prayer for grant of regular bail in connection with Special Case no.97 of 2019 arising out of Salkhua (Banma Ithari O.P) Case No. 113 of 2019 registered under sections 147, 148, 149, 307, 326, 302 and 120B of the Indian Penal Code, section 27 of the Arms Act and section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act.

3. As per the prosecution case, while the informant and others were sleeping at about 1 am in the night they woke



up on the sound of firing. It is stated that the informant saw in the light of bulb that it was the appellant who opened fire upon Gaurav Kumar hitting him on his hand. He ran and entered into the house of Rikesh Yadav to save his life. It is further stated that on Rikesh Yadav coming out of his house, the accused persons also fired at him as a result of which he died on spot.

4. It is submitted by learned counsel appearing for the appellant that the appellant has a good case on merits. In spite of the appellant having remained in custody for more than six years since 8.12.2019, the trial has still not concluded nor is there any chance of the same concluding in the near future. The appellant undertakes to cooperate in the trial and to abide by any conditions which may be laid by this Court for his release on bail.

5. The appeal is opposed by learned Special Public Prosecutor for the State.

6. A report with respect to the stage of the trial was called for from the learned trial Court. As per the report received contained in letter dated 9.12.2025 of the District & Additional Sessions Judge-1st-cum-Special Judge SC/ST, Saharsa, after examination of ten witnesses on behalf of the prosecution, the prosecution evidence has been closed on 10.9.2025 and the statement of the accused has also been recorded under section



313 of the Cr.P.C. on 10.11.2025. The case was fixed for the evidence of the defence witnesses.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the appellant, the progress in the trial in the learned trial Court wherein the prosecution evidence has been closed and the statement of the accused has also been recorded under section 313 of the Cr.P.C., the Court is not inclined to enlarge the appellant on bail and the appeal is rejected.

8. Learned trial Court is directed to expedite the trial and to conclude the same within a period of three months from the date of closure of the examination of defence witness.

(Partha Sarthy, J)

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