

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1403 of 2019

Arising Out of PS. Case No.-948 Year-2018 Thana- SAHARSA District- Saharsa

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MUKESH SHARMA @ MUKESH KUMAR Son of Lakshmi Sharma
Resident of Village - Bhartia Nagar Ward No.26, P.s.- Saharsha, Distt.-
Saharsha

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Subesh Sharma

For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 13-08-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 31.01.2019 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 948 of 2018, registered under Sections 307/34 of the Indian Penal Code and under Section 27 of the Arms Act also under Section 3 (i) (r) (s) 3 (2) (VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



At the instance of Pawan Singh two unknown miscreants are said to have resorted firing upon the father of the informant inflicted injury on his jaw.

It is submitted by the learned counsel for the appellant that appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. There is no eye witness of the occurrence. He has no criminal antecedent. Similarly situated co-accused Laxmi Sharma has been enlarged on regular bail by learned lower Court. Hence, he may be enlarged on bail.

On the other hand learned Spl. P.P. for the State opposing the prayer for bail submitted that in case diary victim in his statement he stated that appellant and co-accused Laxmi Sharma resorted firing upon him, he managed escape from one firing while received gun shot injury in his temple by second firing. Both the aforesaid persons are mounting pressure upon him to execute his share of land in their favour because he has no male issue. Doctor has also found firearm injury on the cheek of the victim, hence he does not deserve bail.

Having regard to the facts and circumstances of the case, the Court is not inclined to enlarge the appellant on bail. Accordingly, present appeal, is hereby rejected.



However, the appellant is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below is directed to pass order in accordance with law without being prejudiced by this order.

Accordingly, the aforesaid appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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