

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1067 of 2020**

Arising Out of PS. Case No.-713 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

RAHUL SRIVASTAVA Son of Ranjan Srivastava @ Munna Srivastava
Resident of Mohalla - Lohiya Nagar Ward No. 28, Panhas, P.S.- Town, Distt –
Begusarai. Appellant

Versus

THE STATE OF BIHAR Respondent

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 06-07-2020 Heard Mr. Sandeep Kumar Gautam, learned counsel
for the appellant and Mr. Sadanand Paswan, learned Addl.
P.P.for the State.

This criminal appeal has been preferred for setting aside the order dated 25.01.2020 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Begusarai in connection with Town P.S. Case No. 713 of 2018 registered for the offences punishable under Sections 147, 148, 149, 323, 302, 324, 379, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i) (R) (S)/33(2) (v-a) of the SC/ST (Prevention of Atrocities) Act whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Although in paragraph ‘3’ of the appeal, the statement has been made that the appellant has no criminal antecedent but Mr. Gautam, learned counsel for the appellant has, at the outset,



mentioned that a mistake has occurred in paragraph '3' and in fact he has now got instruction to say that the appellant has got criminal antecedent, number of cases may vary between 3 and 5. He undertakes to file a supplementary affidavit stating the details of criminal antecedent within three weeks.

In view of the aforesaid undertaking, the matter has been heard on merit.

There is a specific allegation in the first information report that this appellant had fired shot on the chest of the brother of the informant who ultimately succumbed to the injuries. The post mortem report and the materials available in the case diary support the allegation.

The appellant is the main assailant of this case and there being criminal antecedent of the appellant, this Court is not inclined to interfere with the impugned order.

This appeal is thus, dismissed.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

