

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4979 of 2019**

Arising Out of PS. Case No.-193 Year-2019 Thana- DELHA District- Gaya

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LALLU PASWAN @ RUPESH @ LALLU PASWAN @ RUPESH KUMAR
Son of Devanand Paswan Resident of Village - Kharkhura Bhalauhi, P.S.-
Delha, District- Gaya

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sheikh Arkan Ahmad
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

5 18-03-2020 By way of this memo of appeal, preferred under

Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes
(Prevention of Atrocities) Act, appellant seeks for setting aside
the order dated 15.10.2019, passed in Delha P.S. Case No. 193
of 2019 registered for the offences punishable under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act
as well as under Section 3(r)(v) of SC/ST Act, by the learned
Special Judge, SC/ST Act, Gaya, whereby and whereunder,
appellant's application for grant of bail has been rejected.

Allegation as per F.I.R. is that the accused persons
including appellant surrounded the informant and his brother
and assaulted them and it is alleged that Manoj Yadav fired
causing injury to brother of informant and other accused



persons including appellant also fired indiscriminately and the injured was taken to hospital but he was declared dead.

It has been submitted on behalf of the appellant that the F.I.R. shows that appellant and other accused persons fired indiscriminately in the air and there is no allegation against the appellant of firing on the brother of informant and appellant is in custody since 16.07.2019.

Learned Special P.P. and learned counsel for the appellant opposed the prayer for bail on the ground that appellant has criminal antecedent and apart from that four wound of entry was found on the dead body of the deceased.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail.

This application is accordingly dismissed.

(Vinod Kumar Sinha, J)

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