

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2298 of 2021

Arising Out of PS. Case No.-353 Year-2019 Thana- BAKHTIARPUR District- Saharsa

Rahul Sharma @ Rahul Kumar Sharma, Son of Vidyanand Sharma, Resident of Village- Mohaniya, P.S.- Bakhtiarpur (Balwahat O.P.), District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Sinha, Advocate
For the Respondent/s : Ms. Usha Kumari-1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-07-2021 Heard learned counsel for the appellant as well as the learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes Act against the refusal of his prayer for regular bail, vide order dated 01.02.2021 passed by the learned Additional Sessions Judge-III-cum Special Judge, SC/ST Act, Saharsa, in connection with Special Case No.257 of 2019, Bakhtiarpur P.S. Case No.353 of 2019 instituted for the offence under Sections 302, 386, 120(B)/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v)(va) of the SC/ST Act and also for setting aside the aforesaid order dated 01.02.2021.

The informant is the *Mukhiya* and her husband has been shot. While carrying him in an injured condition, it is



stated that the victim has disclosed the name of the instant appellant.

Learned counsel of the appellant submits that there is no eye-witness to the occurrence. The appellant has been implicated in this case falsely. There are many enemies of the informant (*Mukhiya*) and therefore the killing of the informant's husband cannot be attributed to the petitioner. It is further submitted that being falsely implicated, the appellant has now been in custody since 03.07.2020.

Case diary had earlier been called for.

Learned Special P.P. has opposed the prayer for bail. Referring to paragraphs 8, 9 and 26 of the case diary, she has stated that at least two persons have taken the name of the appellant in respect of the firing and call details record has also been examined. The same has revealed the appellant's location as per the mobile tower to be at the place of occurrence at the time the occurrence has taken place. The same also reveals that the appellant was in contact with one Kaushal Yadav. The said Kaushal Yadav has several criminal antecedents and together, with him, under a conspiracy, the killing has taken place.

Considering the rival submissions, this Court, for the moment, is not inclined to allow appellant's prayer for bail. The



same is rejected.

This Court would expect that the appellant’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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