

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2694 of 2021**

Arising Out of PS. Case No.-287 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

Raja Babu @ Sumit Sagar Son Of Hareram Prasad @ Hareram Suri R/O
Village- Saraiya, P.S.- Krishna Garh (BARAHARA), District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vishwa Mohan Kumar Sinha, Adv. Mr. Manish Chandra Gandhi, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SplPP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 27-07-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 17.3.2021 passed by the learned 1st Additional Sessions Judge, Bhojpur, Ara whereby the prayer for bail of the appellant in connection with Ara Muffasil P.S. Case No. 287 of 2020 registered under section 302 and other sections of the Indian Penal Code, section 27 of the Arms Act and section 3 of SC & ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated by the informant that he was informed by his son Manjeet and brother



Vikash Chaudhary about his son being shot by the accused persons including the appellant herein.

It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and concocted. The source of information of the appellant, namely, Manjeet and his brother are also not an eye witness to the occurrence. A number of co-accused have been enlarged on bail by this Court. Learned counsel for the appellant relies on the judgment of the Supreme Court reported in AIR 1975 SC 1962. The appellant is in custody since 12.10.2020 and investigation in the case has concluded.

The appeal for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, it transpires that accused persons including the appellant herein are stated to have fired leading to the death of the son of the informant and gunshot injuries to his friends namely, Munna Gond and Mukesh Chaudhary. The allegations of firing by the appellant is supported by the injured in their statements under section 161 Cr.P.C., as also as per the contents of the



postmortem report.

Thus, the Court is not inclined to allow the instant appeal and the same is rejected.

(Partha Sarthy, J)

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