

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL APPEAL (SJ) No.2935 of 2021**

Arising Out of PS. Case No.-102 Year-2019 Thana- MORKAHI District- Khagaria

RAKESH PASWAN @ PAWAN PASWAN S/O PARMANAND PASWAN  
R/O VILLAGE SABALPUR, P.S. MORKAHI, DISTRICT KHAGARIA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

|                      |   |                                                    |
|----------------------|---|----------------------------------------------------|
| For the Appellant/s  | : | Mr. Sandeep Kumar, Sr. Adv.<br>Mr.Paras Nath, Adv. |
| For the Respondent/s | : | Ms. Usha Kumari -1, Spl.P.P.                       |

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

4      02-09-2021                      Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Sandeep Kumar, learned senior counsel assisted by Mr. Paras Nath, learned counsel for the appellant and Ms. Usha Kumari-1, learned Spl. P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 20.04.2021 passed by learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Khagaria in connection with Morkahi P.S. Case No.102/2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code Act, Section 27 of the Arms Act and Section 3(ii)(v) of SC/ST Act. He is in custody since

18.12.2020.

Mr. Sandeep Kumar, learned senior counsel for the appellant submits that the allegation of first firing is against co-accused Rajesh Yadav @ Chhedi Yadav, however, due to village politics the appellant has been falsely implicated in this case by one Subodh Yadav who happened to be the supporter of ex-MLA Ranvir Yadav. He has been dragged in this case.

On the other hand, learned Spl. P.P. for the State submits that in this case the appellant is one of the main assailants and fire-arm injury attributed to him on the chest of the deceased is corroborated from the postmortem report. The prayer for bail of the co-accused Rajesh Yadav @ Chhedi Yadav has already been rejected by a learned coordinate Bench of this Court in Cr.Appeal (SJ) No.5838 of 2019.

This Court has further been informed that in the case of co-accused the trial is at the fag end and because the appellant was absconding, there has been some delay in commencement of his trial. The appellant has further got six criminal antecedents and some of them are of serious and heinous kind of offence.

Considering the facts and circumstances of the case, apart from the fact that the allegations are grave in nature, the

materials placed before this Court are such that this Court is not inclined to release the appellant on bail.

The impugned order does not need any interference.

This appeal is dismissed.

**(Rajeev Ranjan Prasad, J)**

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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'.