

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3736 of 2021**

Arising Out of PS. Case No.-320 Year-2018 Thana- BAHADURPUR District- Patna

Shivam @ Shivam Sharma @ Shivam Kumar Sharma, Son of Satyadev Sharma, Resident of Near Bidupur High School, P.S. Bidupur, District Vaishali (Bihar).

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Purushotam Sharma

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 21-12-2021 Heard learned counsel for the appellant and learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of bail vide order dated 20.07.2021, passed by learned Special Judge, SC/ST (Prevention of Atrocity) Act, Patna in connection with Bahadurpur P.S. Case No.320 of 2018, registered under Sections 307, 302, 34 of the Indian Penal Code, 27 of the Arms Act and 3(2) (v) of the SC/ST Act.

The appellant is said to have fired upon the deceased as a result of which, he died.

Learned counsel for the appellant submits that the



appellant has falsely been implicated in the present case. The appellant has been made accused in this case on the basis of his earlier criminal history. Charge sheet has already been submitted in this case. It is also submitted that the appellant is in custody since 05.01.2019.

Learned Special P.P. for the State opposed the prayer for bail of the appellant.

Having considered the fact that there is specific allegation of firing upon the deceased by the appellant, I am not inclined to enlarge the appellant on bail. Accordingly, the prayer for bail of the appellant is rejected.

However, the trial court is directed to expedite the trial of the appellant.

(Anjani Kumar Sharan, J.)

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