

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.557 of 2021**

Arising Out of PS. Case No.-220 Year-2020 Thana- GAYA MUFASIL District- Gaya

SHYAM GUPTA, Son of Late Karu Sao, Resident of Village- Baradih, P.S.-
Mufassil, Distt- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kr. Sinha

For the Respondent/s : Mr.A.G

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

3 23-03-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

By way of this memo of appeal under Sections 14
(A) (2) of the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities Act, 1989 appellant seeks for setting
aside the order dated 09.10.2020 passed in B.P. No. 292/2020
arising out of Mufassil P.S. Case No. 220/2020 and registered
under Section 302 of the Indian Penal Code and Sections 3 (II)
(V) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) by the learned Special Judge (S.C./S.T. Act),
Gaya.

Prosecution case in brief is that the husband of the
informant was standing at his door when the petitioner who is
neighbour of the informant came there and started abusing her
husband and in due course he assaulted her husband with a



stone on his head. It is further alleged that on raising alarm the family members gathered there and the accused petitioner fled away. Thereafter, it is alleged that at night her husband told that they would go for treatment in the morning and then the informant went on the roof and slept. It is further alleged that on the next day in the morning when the informant woke up and came down stair she saw that her husband was lying dead on the road and there was wound on the centre of his head and she believed that her husband died due to the injury caused by the appellant in the last night.

Learned counsel for the appellant submits that the appellant is innocent and has committed no offence but has been falsely implicated in this case. He further submits that the deceased died due to over drinking alcohol and the appellant has no concern with the alleged offence. The appellant is in custody since 15.06.2020.

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

Heard the parties, perused the records including the case diary in which witnesses has supported the prosecution case. The postmortem has also supported the prosecution case.

Considering the facts and circumstances of the



case, I am not inclined to enlarge the appellant on bail.
Accordingly, the prayer for bail of the appellant is rejected.

Accordingly, this appeal is dismissed.

However, the trial court is directed to expedite the
trial expeditiously.

(Anjani Kumar Sharan, J)

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