

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.241 of 2022**

Arising Out of PS. Case No.-189 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Golu Kumar @ Vishal Kumar S/o Suresh Sah R/o Village- Dindayal Pur, P.S.-
G.B. Nagar, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Munna Devi wife of Daroga Prasad R/o village- Cahukihasan Dhanuk Tola,
P.S.- G.B. Nagar, District- Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP
For the informant	:	Mr. Shambhu Prasad Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 29-09-2022

Heard learned counsel for the appellant, learned
counsel for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date or
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 24.11.2021 passed by learned Additional Sessions
Judge-1st-cum-Special Judge, Siwan in connection with G.B.



Nagar P.S. Case No. 189 of 2021 registered for the alleged offences under Sections 341, 323, 307, 302, 504 and 506 of the Indian Penal Code and Sections 3 (2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the appellant on some minor altercation assaulted the son of the informant with knife when he tried to save his friend Roshan Paswan, who was being assaulted by this appellant. The son of the informant succumbed to his injuries while being taken to hospital and injured Roshan Paswan was under treatment in the hospital.

Learned counsel for the appellant submits that the appellant has been falsely implicated in this case. The FIR was lodged after delay of one day. Injury report of Roshan Paswan is not on record. It is clear from the FIR, the informant is not an eye witness. The appellant is in custody since 30.07.2021 and charge-sheet has been submitted.

Learned Special PP as well as learned counsel appearing on behalf of the informant vehemently oppose the submissions made on behalf of the appellant. Learned counsel for the respondent no.2/informant submits that though the informant is not an eye witness but there were persons present including the injured Roshan Paswan who have supported the



prosecution case. Witnesses in paragraphs 27, 28, 35 and 36 of the case diary have completely supported the prosecution case and the witnesses include the eye witness. There is specific allegation against the appellant that he gave knife blow to the son of the informant who lost his life and also injured one Roshan Paswan by assaulting him with knife.

Perused the records.

Having regard to the facts and circumstances and considering the nature of allegation against the petitioner, which is quite grave and serious and hence, I am not inclined to enlarge the appellant on bail.

Hence, the prayer for bail is rejected and appeal is dismissed.

However, the learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

Rajnish/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	01.10.2022
Transmission Date	01.10.2022

