

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.334 of 2022**

Arising Out of PS. Case No.-177 Year-2021 Thana- HARNAUT District- Nalanda

Shishupal Kumar, Son of Mallu Ram, R/O Village- Mudhari, P.S.- Harnaut,
Dist.- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Sri Bijendra Paswan, Son of Late Dewkii Paswan, R/O Village- Mudhari,
P.S. - Harnaut, Dist.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Indu Bhushan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 Learned counsel for the appellant is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. N. K. Agrawal, learned senior counsel appearing on behalf of the appellant and learned Spl. PP for the State.

The present appeal under Section 14-A (2) of the Scheduled Castes/Scheduled Tribes, Prevention of Atrocities Act, (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 05.01.2022 passed by the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act Bihar Sharif, Nalanda in connection with Harnaut P.S. Case



No.177 of 2021 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

As per the prosecution case, it is alleged that all the F.I.R. named accused persons including the appellant variously armed came to the house of respondent no.2 and due to the previous enmity on the dictate of co-accused Mallu Ram, the appellant fired upon the brother of the respondent party no.2, causing his death.

Learned senior counsel appearing on behalf of appellant has drawn the attention of this Court towards the post-mortem report, which would suggest that there is no firearm injury over the body of the deceased, inasmuch as the cause of death is shown to be the injury found on the body of the deceased, by hard and blunt substance. On the strength of the post-mortem report, learned senior counsel submits that the report completely demolishes the prosecution case. It is next submitted that the appellant is in custody since 05.10.2021.

On the other hand, learned Special P.P. for the State vehemently opposes the bail application and submits that there is specific allegation against the appellant that he fired upon the



deceased causing his death, moreover the other witnesses have also supported the prosecution case.

Considering the specific nature of accusation and gravity of the offence, apart from the fact that eye witnesses of the alleged occurrence have also supported the prosecution case, this Court is not persuaded to enlarge the appellant on bail.

Accordingly, the appeal stands rejected.

(Harish Kumar, J)

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