

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.549 of 2022

Arising Out of PS. Case No.-305 Year-2021 Thana- DANAPUR District- Patna

Raunak Kumar @ Munna @ Munna Kumar @ Jaliyavasum, Son of Ajit Ray,
R/o village- Ramnagar Colony, Gosaitola, P.S.- Danapur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Durga Devi, W/o Late Sanni Ram, R/o Mohalla- Yarpur, P.S.- Gardanibagh,
District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs.Arpana Kumari, Advocate
For the State	:	Mr.Sadanand Paswan, Spl. PP
For the Respondent No.2	:	Mr. Nagmani Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-09-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State as well as learned counsel for the respondent
no.2.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
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
22.12.2021 passed by the learned Additional Sessions Judge-III-
cum-special Judge (SC/ST), Patna in connection with Special Case
No. 235 of 2021 arising out of Danapur P.S. Case No. 305 of 2021,
registered for the alleged offences under Sections 302 and 34 of



the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the husband of the informant was shot at by two youths in the background of dispute over parking of vehicles. The appellant is stated to be one of the youths, who fired upon the husband of the informant.

The learned counsel for the appellant submits that the appellant is not named in the FIR and nothing incriminating has been recovered from his conscious possession. Though the informant has named one Ajit Kumar who called the deceased for cleaning the tank but he was not sent up for trial and this appellant was made accused in this case. Learned counsel further submits that the appellant has been named in this case on the basis of CCTV footage and the name was disclosed by the informer of the police. Learned counsel further submits that except for this material, nothing has come up against this appellant to connect him with the alleged occurrence. The appellant is in custody since 23.05.2021 and the charge-sheet has been submitted in this case.

Learned Spl.PP as well as learned counsel for the respondent no.2 vehemently opposes the submission made on behalf of the appellant. Learned Spl.PP submits that there is specific allegation against the appellant and the same has been supported by the informant in her statement in paragraph 18 of the



case diary. In paragraph 12 of the case diary the witness has stated that he saw the appellant shooting the husband of the informant in his head. On the basis of CCTV footage this appellant was identified. The appellant shot dead the husband of the informant on a minor dispute. Other witnesses in paragraphs 29 and 30 of the case diary have also named the appellant who was identified in CCTV footage.

Perused the records.

Having regard to the submissions made hereinabove and considering the specific and serious nature of allegation against the appellant that he fired upon the husband of the informant and shot him dead, I am not inclined to enlarge the appellant on bail.

Hence, the appeal is dismissed.

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

(Arun Kumar Jha, J)

balmukund/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.09.2022
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