

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1485 of 2022**

Arising Out of PS. Case No.-120 Year-2021 Thana- TEGHRHA District- Begusarai

VIKASH KUMAR RAI @ VIKASH KUMAR Son of Sri Balram Rai @
Balram Singh Resident of village - Gaura, P.S.- Teghra, District - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Paswan Son of Late Tuntun Paswan Resident of village - Gaura - 1,
Ward No.- 07, P.S.- Teghra, District - Begusarai (informant)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pravin Kumar, Advocate Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan. APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 08-09-2022

Heard learned counsel for the appellant and learned APP
for the State.

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 vide order dated
25.03.2022 passed by the learned Exclusive Special Judge, SC/ST
(POA) Act Begusarai in connection with Teghra P.S. Case No. 120
of 2021 registered for the alleged offences under Sections 341,



323, 302, 385, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the appellant and other co-accused persons called out the father of the informant and further allegation against the appellant is that he shot at the father of the informant in his stomach by opening fire at close range. Other co-accused persons also fired upon the father of the informant and the father of the informant died at the spot. The occurrence took place in the back ground of demand of extortion money by the appellant and other co-accused persons.

Learned counsel for the appellant submits that the appellant has not committed any offence as alleged and he is innocent. Earlier this appellant and co-accused Mukesh Kumar were attacked by the persons of the informant side and they snatched Rs. 60,000/- from them. For this occurrence Teghra P.S. Case No. 118 of 2021 was registered. In retaliation the informant side attacked the house of the appellant at 8:00 P.M. on 12.04.2021 and Complaint Case No. 719C of 2021 was lodged by the mother of the appellant. In retaliation thereof the present case has been lodged by the informant. The seizure lists also shows that the case is false and fabricated as it is shown to have been prepared on 13.04.2021 at 08:50 A.M. Further, there is no allegation for any



offence under the provisions of SC/ ST (Prevention of Atrocities) Act and no case will be made out against the appellant under the said Act. The appellant is in custody since 11.02.2022 and charge sheet has been submitted in this case.

Learned APP for the State and learned counsel appearing on behalf of respondent no. 2 oppose the prayer for bail of the appellant submitting that there is specific allegation against this appellant that he fired upon the father of the informant in his stomach along with co-accused persons.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the specific allegation against this appellant that he fired upon the deceased father of the informant and in view of the serious nature of allegation against the appellant, I am not inclined to enlarge the appellant on bail at this stage.

Accordingly, his prayer for grant of bail is rejected and the appeal is dismissed.

The trial court is directed to expedite the trial and conclude the same within a year.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2022
Transmission Date	13.09.2022



