

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1525 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- KHAGARIA RAIL P.S. District- Khagaria

1. BABALOO KUMAR GUPTA @ BABLU DAS S/o Ram Pravesh Gupta Resident of Village- Mathura Pur, Ward No.5, P.S. and District- Khagaria.
2. Pappu Kumar S/o Bablu Kumar Gupta Resident of Village- Mathura Pur, Ward No.5, P.S. and District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 08-08-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 05.04.2022 passed by learned 1st Additional Sessions Judge, Khagaria in ABA No. 12/2022 whereby the prayer for bail of the appellants in connection with Khagaria P.S. Case no. 01 of 2022 under Sections 302, 34 of the Indian Penal Code and sections 3(ii)(v)/3(ii)(v)A of the SC/ST Act was rejected.

As per allegation in the FIR, husband of the informant was an agent in a company, which was later on closed and he was unable to return the invested amount of the customers



including the accused persons. It is further alleged that petitioners along with two other accused persons have fired upon the informant's husband on his head as a result of which he died on spot.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to admitted dispute of money. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellants have no intention to disgrace the image of the informant by taking his caste name in public view.

The appeal for bail is opposed by learned counsel for the informant and learned Spl. P.P. for the State and submitted that para 3 contains the inquest report of the deceased and para 51 contains the post-mortem report in which the cause of death has been given due to firearm. The informant in her restatement and other witnesses of the case diary have supported the prosecution case.

Having heard learned counsel for the parties and taking into consideration that provisions of Sections 82 and 83 of the Cr.P.C. have been issued against the appellants, it is not a fit case to grant anticipatory bail to the appellants and, as such, their prayer for anticipatory bail stands rejected.



I do not find any illegality and infirmity in the impugned order dated 05.04.2022 passed in Special ABA (SC/ST No. 12 of 2022) by learned 1st Additional Sessions Judge, Khagaria.

The appeal stands disposed off.

(Sunil Kumar Panwar, J)

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