

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.898 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- SURYAPURA District- Rohtas

Brij Bhushan Pandey S/o Bhaiya Ram Pandey R/o Village- Agrer Khurd, P.S.-
Suryapura, Distt- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Indu Devi W/o Late Rajdeo Paswan R/o Village- Agrer Khurd, P.S.-
Suryapura, Distt- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-08-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public
Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 2.1.2023 passed by learned Additional District and Sessions Judge XVII-cum-Special Judge SC/ST Act, Rohtas, Sasaram in Suryapura PS Case No. 32 of 2022 whereby the prayer for bail of the appellant registered under Sections 147, 148, 149, 341, 323, 447, 307, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(s), 3(ii)(v) of SC/ST (Prevention of Atrocities Act) Act was rejected.



As per allegation in the FIR, informant's wife was standing outside her house, in the meantime accused persons including the appellant armed with gun, rifle etc. entered into her house and started to abuse the family members of the informant. On protest made by her husband (deceased), appellant opened fire which hit his head and he died on spot. Accused Shandra Bhushan Pandey also opened fire, which caused gun shot injury to Santosh Paswan on his right leg and thereafter they fled away from her house.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He is innocent. Appellant is languishing in judicial custody since 12.4.2022.

The application for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that there is specific overt act of opening fire against the appellant due to which deceased received gunshot injuries and died on spot. During investigation, several witnesses have supported the prosecution story in para 137, 138 and 139 of the case diary. As per medical



report, doctor opined that deceased died due to hemorrhage and shock due to injuries caused by fire arm. Apart from the said facts, appellant is antisocial person and nine criminal cases are pending against him.

Having heard learned counsel for the parties and taking into consideration the fact that there is direct allegation of committing murder of informant's husband against the appellant, I do not find it appropriate to grant regular bail to the appellant and, as such, his prayer for regular bail is rejected.

The trial court is directed to expedite and conclude the trial at the earliest.

The application stands disposed off.

(Sunil Kumar Panwar, J)

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