

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1262 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- ALOULI District- Khagaria

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PRAFUL KUMAR Son of Jayjay Yadav Resident of Village - Hathwan,
Police Station - Alauli, District - Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Sundar Sah Son of Late Bindeshwari Sah @ Late Bindeshwari Prasad Gupta Resident of Village - Hathwan, Police Station - Alauli, District - Khagaria.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Viveka Nandsingh
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 14-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 23.01.2023 passed by learned Additional Sessions Judge 1st -Cum-Special Judge, SC/ST Act, Khagaria whereby the prayer for bail of the appellant in connection with Alauli P.S. Case no. 392 of 2022 under Sections 353, 332, 307, 120(B)/34 of the Indian Penal Code, later on Section 302 of the I.P.C. was also added and sections 3 (2)(v) of SC/ST Act was rejected.

3. The allegation against the appellant is that he along with other co-accused had opened fire upon upon the informant



and the constable namely, Jainarayan Paswan due to which they sustained gun shot injury and during course of treatment constable Jainarayan Paswan was died.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case merely on the basis of suspicion and due to dirty village politics. Only on the basis of conversation of two persons the appellant has been identified as culprit by the informant. Neither the appellant has been apprehended at the place of occurrence nor put on T.I.P. He is languishing in judicial custody since 23.08.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that the appellant is named in the F.I.R. who has specifically been alleged that he along with co-accused shot fire upon the deceased namely, Jainarain Paswan due to which he sustained gun shot injuries and thereafter he died. It is further submitted that during investigation, the witnesses of this case have supported the prosecution case. Further the postmortem report of the deceased Jainarayan Paswan also corroborates the prosecution case in which the doctor opined that two entry wounds were found in the body of the deceased.



6. Having heard learned counsel for the parties and considering the aforesaid facts, I do not find it appropriate to grant bail to the appellant and, as such, his prayer for bail is rejected.

7. The trial Court is directed to expedite the trial and conclude the same within a period of nine months.

(Sunil Kumar Panwar, J)

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