

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1363 of 2023

Arising Out of PS. Case No.-523 Year-2021 Thana- BARH District- Patna

Suraj Saw @ Suraj Tailee Son Of Om Prakash Saw @ Umesh Sah @ Umesh
Saw R/O Pandarak Ps- Pandarak Dist - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharam Raj Kumar son of Sri Krishna Mohan Prasad R/o Gopkita P.S-
Pandarak Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Krishna Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-09-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
29.11.2022 passed by learned Exclusive Special Judge,
SC/ST Act, Patna in connection with Barh P.S. Case No.
523 of 2021 instituted for the offences punishable under
Sections 307, 302, 120(B), 34 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 3(2)(v)
of the SC/ST Act whereby his prayer for being released
on bail has been rejected.

The allegation against the appellant is to



commit murder of the brother of the informant Priyaranjan Kumar @ Gore Lal Yadav along with other co-accused persons by causing firearm injury while he was returning from a marriage party in the background of local political rivalries. The brother of the informant died during treatment. In the occurrence, Rajesh Kumar also sustained gunshot injuries and died.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general allegation against the appellant that and other co-accused persons have shot fire at the informant's brother. The appellant was not apprehended from the spot neither any incriminating material was seized from his conscious possession and in the background of political rivalry, the present accusation has been levelled against the appellant. The appellant is languishing in custody since 05.05.2022.

In contra, learned Special P.P appearing on



behalf of the State has vehemently opposed the prayer for bail of the appellant and submitted that there is specific allegation against the appellant that he shot at the brother of the informant, as a result of which, he died due to gunshot injuries. The postmortem report also suggests that brother of the informant sustained firearm injuries on chest and abdomen and cause of death was due to firearm injuries.

Considering the fact that there is specific allegation against the appellant, this Court is not inclined to grant the privilege of bail to the appellant. The prayer for grant of bail to the appellant stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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