

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1137 of 2022**

Arising Out of PS. Case No.-342 Year-2021 Thana- FATEHPUR District- Gaya

Sunil Paswan Son Of Late Kuleshwar Paswan R/O Village- Raghunathpur,
P.S.- Fatehpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son Of Suresh Paswan R/O Village- Raghunathpur, P.S.-
Fatehpur, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 26-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 21.01.2022 passed by learned Exclusive Special Judge SC/ST (POA Act), Gaya in connection with Fatehpur P.S. Case No. 342 of 2021 under Sections 302/34 of the Indian Penal Code, section 27 of the Arms Act and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

As per the prosecution case, Nago Paswan, Upendra



Paswan and Sunil Paswan (appellant) shot fire on the head of father of informant due to which he sustained gunshot injury and died on the spot.

It is submitted on behalf of the appellant that no case under SC/ST Act is made out, as the appellant himself belongs to SC community. It is next submitted that there is allegation of firing against three persons, but only one firearm injury was found by the doctor on the person of the deceased. Informant is not eye-witness of the occurrence. Only on suspicion appellant has been made accused in this case. Appellant has got clean antecedent.

Counsel for respondent no. 2 vehemently opposed the prayer for bail and submitted that appellant is one of the assailants.

Considering the aforesaid facts and nature of accusation, this appeal is dismissed.

(Prabhat Kumar Singh, J)

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