

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1627 of 2023

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

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Upendra Paswan S/o Kuleshwar Paswan Resident of Village- Raghunathpur,
P.S.- Fatehpur, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash kumar son of Suresh Paswan resident of village- Raghunathpur, P.S.-
Fatehpur, District- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vinod Kumar

For the Respondent/s : Mr. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 21-06-2023 Notice has been duly served by pasting it on the

wall as Respondent No. 2 was not available to receive the

notice.

Heard Ld. counsel for the appellant and Ld. APP for
the State.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 21.02.2023,

passed by Ld. SC/ST Court, Gaya, in connection with

Fatehpur P.S. Case No. 242 of 2021, registered for the offences

punishable under Sections 302/34 of the Indian Penal Code

and 27 of the Arms Act and Section 3(2)(v) of the SC/ST



Act, whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is that on 05.10.2021 at about 4:30, when the informant and his father were coming to their house, the accused persons stopped them and started assaulting them and gave a *303 gun* shot on the head of the father of the informant due to which he died.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that as per the allegation, three persons including the petitioner fired 303 rifle causing death to the father of the informant but as per the medical report, there is only one wound caused by bullet. As such the allegation of the informant is falsified. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 17.03.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in



two other cases.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail submitting that the allegation is supported by medical evidence. As per the post mortem report, death has been caused by firearm-injury.

Considering the serious nature of the offence and material on record, I am not persuaded to enlarge the appellant on bail at this stage.

This appeal is dismissed accordingly .

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of one year, the appellant will have liberty to renew his prayer for bail.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

Skm/chandan/-

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