

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2116 of 2023**

Arising Out of PS. Case No.-1 Year-2023 Thana- SC/ST District- Buxar

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Sujit Pandey @ Sujit Kumar Pandey Son Of Amar Pandey R/O Gurudas Mathiya, Police Station-Buxar Mufassil, District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Shashikant Kumar Son Of Late Madan Ram R/O Gurudas Mathiya, Police Station- Buxar Mufassil, District-Buxar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 06-07-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 15.02.2023 passed by learned Additional Session Judge-I-cum Special Judge, Scheduled Castes and Scheduled Tribes, (Prevention of Atrocities Act) and Children Court, Buxar in P.S. Case No. 01 of 2023 whereby the prayer for bail of the appellant in connection with SC/ST P.S. Case no. 01 of 2023 under Section 147, 148, 149, 324, 341, 379, 354, 307 and 504 of the Indian Penal Code later on Section 302 was also added and



sections 3(i)(r)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities Act) Act was rejected.

Allegations against the appellant and co-accused persons is that when they were making caste based remarks and were assaulting to the informant's son, in the meantime, informant came and tried to save his son, then appellant repeatedly assaulted on his head by butt of a pistol due to which he sustained grievous injury. It is further alleged that co-accused persons also assaulted his son and took away gold chain and other articles.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case merely on the basis previous enmity. The informant has got no criminal antecedent and he has not taken the cast name of the informant in public view. There is case and counter case between the parties. It is further submitted that the informant suo-motu surrendered on 20.01.2023, and since then he is languishing in judicial custody.

The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that there is direct allegation of assaulting by means of butt of the pistol to the informant



due to which he sustained several injuries. As per postmortem report, which is annexed with case diary, which shows many injuries were sustained by the informant on his vital part due to which during treatment he died. During investigation, several witnesses also supported the prosecution version.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the appellant of continuous assaulting upon the head of the deceased, resulting into his death, this court is not inclined to enlarge the appellant on bail and, as such, his prayer for bail stands rejected.

Instant appeal is hereby dismissed.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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