

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2713 of 2022**

Arising Out of PS. Case No.-86 Year-2022 Thana- RAJPUR District- Buxar

RAJNISH SINGH S/o Baban Singh Resident of Village- Uttampur, P.S.-
Rajpur, District- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prince Kumar Paswan S/o Avinash Paswan Resident of Village- Uttampur,
P.S.- Rajpur, P.O. Hatheua, Rajpur, District- Buxar, Pin Code- 802122.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Mohan Kumar Singh, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT**

Date : 18-01-2023

Heard learned counsel for the appellant
and learned Special Public Prosecutor for the State.

Despite valid service of notice upon
respondent no.2, i.e., the informant of the case,
none has appeared for respondent no.2.

The present appeal has been filed under
Section 14A(2) of the Scheduled Castes and the
Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter referred to as 'SC/ST Act')
against the impugned order dated 20.07.2022
passed by the learned Additional Sessions Judge-1-
cum-Special Judge, SC/ST (POA) Act, Buxar in



connection with Rajpur P.S. Case No.86 of 2022, registered for the offences punishable under Sections 341, 447, 323, 307 and 349 of the IPC and Section 27 of the Arms and Section 3(2)(va) of the SC/ST Act whereby and whereunder the prayer of the appellant for grant of bail has been rejected.

The case of the prosecution, in brief, according to the informant, is that on 18.03.2022 on the eve of Holi Festival, the informant had gone outside his house after hearing noise, then he saw that the appellant was quarreling with one Arvind Pal, however, the matter was pacified with the help of local people. It is also alleged that when the informant returned back to his house, then the appellant and his family members had arrived there, armed with pistol in their hands, had abused the informant by taking his caste name and when the informant had protested, the appellant had fired gun shot on the informant resulting in him sustaining gun shot injury, whereafter the other accused persons are alleged to have also assaulted and fired from their pistol.



The learned counsel for the appellant has submitted that the appellant is innocent, he has been falsely implicated in the present case and he is languishing in custody since 28.05.2022. Learned counsel for the appellant has further submitted that the present case arises out of case and counter case and the injury report does not corroborate the allegations levelled by the informant. It is also submitted that the FIR has been lodged belatedly inasmuch as the incident is stated to have taken place on 18.03.2022, however, FIR has been registered only on 01.04.2022.

Per contra, the learned Special Public Prosecutor for the State has submitted that there is no relevance of the counter case inasmuch as the same has been filed on 14.04.2022 for an incident alleged to have been taken place on 18.03.2022, which shows that the same has been filed in order to mitigate the effect of the FIR lodged by the informant of the present case. Secondly, it is submitted that there is direct



allegation upon the appellant of having fired gun shot on the informant resulting in him sustaining serious and grievous injuries. It is also submitted that the injury report also corroborates the allegation levelled against the appellant. Lastly, it is submitted that the impugned order dated 20.07.2022 would show that there are ample materials, which have been collected during the course of investigation to show the complicity of the appellant in the alleged crime, apart from the fact that a case is definitely made out under the provisions of the SC/ST Act.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also having perused the impugned order dated 20.07.2022, this Court finds that there are ample materials available on record to show the complicity of the appellant in the alleged crime apart from the fact that the appellant is alleged to have fired gun shot on the



informant resulting in him receiving grievous injuries and moreover, the provisions of the SC/ST Act are also attracted in the present case, hence, I do not find any merit in the present case so as to warrant interference with the impugned order dated 20.07.2022.

Accordingly, the present appeal stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.01.2023
Transmission Date	24.01.2023

