

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3098 of 2022

Arising Out of PS. Case No.-534 Year-2021 Thana- ALAMGANJ District- Patna

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BALLI KUMAR @ BALLIYA S/O SHATRUDHNA PRASAD @
SHATRUDHAN PRASAD @ CHOTU BIND Resident of village- Sarbhabad
Colony, Beldari Tola, P.S.- Alamganj, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi Wife of Late Jaggu chaudhary Resident of Muhalla-Gud ki
Mandir,P.S-Alamganj,District-Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Binay Krishna
For the Respondent No-2 : Mr. Tribhuwan Narayan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 04-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No-2.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 23.06.2022,
passed by Ld. Exclusive Special Judge SC/ST, Patna, in



connection with Special Case No. 236 of 2021 arising out of Alamganj P.S. Case No. 534 of 2021, registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code, Sections 27 of the Arms Act and Sections 3(2) (va) of the SC/ST Act whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 19.08.2021 at about 09:15 PM when the husband of the informant was passing through the vicinity of Gur Ki Mandi, the appellant along with his associates surrounded him and started firing upon him 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 submit that though as per the FIR informant claims to be the eye witness of the alleged occurrence but she is not really the eye witness. He also submits that the allegation against the appellant is general and omnibus. He further submits that other co-accused persons have already been enlarged on bail by a co-ordinate Bench of this Court vide orders dated 25.08.2022,



18.08.2022 and 14.12.2022, passed in Cr. Appeal (SJ) No. 4953 of 2021, Cr. Appeal (SJ) No. 290 of 2022 and Cr. Appeal (SJ) No. 3108 of 2022, respectively.

He further submits that appellant has been languishing in jail since 26.10.2021.

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

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, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the appellant for bail saying that there is direct and specific allegation against the present accused-appellant and another co-accused Naga @ Sonu alleging that they have caused death of the deceased by firing by pistol and even as per the post-mortem report the death has been caused on account of firearm injury.

Considering the aforesaid facts and circumstances,



particularly direct allegation against the appellant and material on record, I am not persuaded to enlarge the appellant on bail at this stage. As such, there is no infirmities in the impugned order.

This appeal is accordingly dismissed.

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 is at liberty to renew his prayer for bail.

The 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)

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