

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3644 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- DEEPNAGAR District- Nalanda

MANISH KUMAR @ MANISH MAHTO Son of Ishwar Mahto Resident of
village - Deep Nagar, P.S. - Deep Nagar, Distt. - Nalanda, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sishupal Paswan Son of Anil Paswan Resident of village - Manichak, P.S. -
Deep Nagar, Distt. - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Diksha Kumari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 11.07.2023 passed by learned Additional District and Sessions Judge-III-cum Special Judge SC/ST Act, whereby the prayer for bail of the appellant in connection with Deep Nagar P.S. Case no. 170 of 2023 under Sections 147, 148, 149, 342, 302 of the Indian Penal Code and sections 25(1-b)a, 26, 27, 35 of the Arms Act and Sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was rejected.

3. as per prosecution case, the informant alleged that while his uncle was going towards market in the



meantime appellant and co-accused boarded on motorcycle came and due to previous land and money dispute the appellant in connivance with others fired upon the uncle of the informant due to which his uncle sustained several gunshot injuries and died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous money dispute. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. It is further submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 26.04.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and also submitted that the appellant in connivance with others committed murder of the informant's uncle by fire arm. During investigation, witnesses also supported the prosecution version. As per postmortem report, which is annexed with case diary, wherein doctor has opined cause of death is haemorrhage and shock caused by fire arm.

Having heard the learned counsel for the parties and



considering the fact and gravity of the case, this court is not inclined to enlarge the appellant on bail and, as such, his prayer for appeal stands rejected.

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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