

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3445 of 2022

Arising Out of PS. Case No.-466 Year-2021 Thana- BAHADURPUR District- Darbhanga

Abhishek Karn @ Abhishek Kumar Karn @ D. J. Kumar Son Of Manoj
Kumar Karn R/O Village- Gandhi Nagar, Katraiya, P.S.- Sadar, District-
Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushalya Devi Wife Of Ganesh Mahto R/O Village- Bheluchak, Dal Mill
Road, P.S.- Sadar, District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nilendu Kumar Choudhary
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 27-07-2023 Heard learned counsel for the appellant and
learned Special P.P for the State.

The appellant has challenged the order dated
29.03.2022 passed by learned 3rd Additional Sessions
Judge-cum-Exclusive Special Judge, SC/ST (POA) Act,
Darbhanga in connection with Bahadurpur P.S. Case No.
466 of 2021 (SC/ST/GR Case No. 127 of 2021)
instituted for the offences punishable under Sections
341, 342, 307, 504, 506, 34 of the Indian Penal Code,
Section 27 of the Arms Act, later on, charge-sheet has



been submitted under Sections 341, 342, 307, 302, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(w)(va) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

It is alleged against the appellant that he fired several rounds upon the informant, who sustained gunshot injuries and subsequently died during the course of treatment.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. From the F.I.R itself, it appears that deceased and co-accused Kundan Kumar were known to each and there was a money dispute between them and appellant was nowhere connected with the informant and the prosecution has failed to assign any motive against the appellant to kill the informant who even did not know the informant. Several witnesses have been examined during the course of investigation but not a single witness has alleged that



this appellant shot fire at the informant/deceased, rather one of the witnesses stated that informant in injured condition had told that co-accused Kundan Kumar shot at him. The appellant is languishing in custody since 08.10.2021. Moreover, co-accused Kundan Kumar has been granted bail by a coordinate Bench of this Court vide order dated 17.08.2022 passed in Cr. Misc. No. 891 of 2021. A statement has been made in para 3 of the petition is that appellant has no criminal antecedent.

Learned Counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant and submitted that there is specific allegation against the appellant that he shot at the informant. The informant has supported the prosecution case as against the appellant and died during the course of treatment. The postmortem report also opined the cause of death by firearm.

Considering the fact that there is specific



allegation against the appellant, this Court is not inclined to grant the privilege of bail to the appellant. The prayer for grant of bail to the appellant stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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