

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4023 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- KAMTAUL District- Darbhanga

Abhimanu Kumar Singh @ Abhimanyu Kumar Singh Son Of Jaynandan Kumar Singh @ Jaynandan Singh Village- Kewatsa, Ps- Gaighat, Dist- Muzaffarpur

... .. APPELLANT/S

VERSUS

1. The State Of Bihar
2. Kusha Devi Wife Of Late Pramod Paswan Village- Madhopatti, Ps- Kamtaul, Dist- Darbhanga

... .. RESPONDENT/S

WITH
CRIMINAL APPEAL (SJ) NO. 3709 OF 2023

ARISING OUT OF PS. CASE NO.-14 YEAR-2023 THANA- KAMTAUL DISTRICT- DARBHANGA

Amit Kumar Yadav @ Salman Son Of Rajendra Yadav R/V Saidpur,Bakargang Abhanda,Ps. Laherisarai, Dist- Darbhanga

... .. APPELLANT/S

VERSUS

1. The State Of Bihar
2. Kusha Devi Wife Of Late Pramod Paswan Resident Of Village- Madhopatti, Ps- Kamtaul, Dist- Darbhanga

... .. RESPONDENT/S

WITH
CRIMINAL APPEAL (SJ) NO. 3881 OF 2023

ARISING OUT OF PS. CASE NO.-14 YEAR-2023 THANA- KAMTAUL DISTRICT- DARBHANGA

Rakesh Kumar Kamat @ Raja Kamat S/O Bauajee Kamat R/O Village- Nikashi, Ps. Kamtaul, Dist. Darbhanga

... .. APPELLANT/S

VERSUS

1. The State Of Bihar
2. Kusha Devi W/O Late Pramod Paswan R/O Village- Madhopatti, Ps. Kamtaul, Dist. Darbhanga

... .. Respondent/s



Appearance :

(In CRIMINAL APPEAL (SJ) No. 4023 of 2023)

For the Appellant/s : Mr.Vinay Kumar Mishra

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 3709 of 2023)

For the Appellant/s : Mr.Pushpendra Kumar Singh

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 3881 of 2023)

For the Appellant/s : Mr.Pushpendra Kumar Singh

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-12-2023 Heard learned counsel for the appellants, learned Special
Public Prosecutor for the State and learned counsel for the informant.

The instant appeal has been filed by the appellants against the order dated 10.07.2023 passed by learned 10th Additional Sessions Judge-cum-I/C Exclusive Special Judge SC/ST (POA) Act, Darbhanga whereby the prayer for bail of the appellant in connection with Kamtaul P.S. Case no. 14 of 2023 under Sections 302 and 34 of the Indian Penal Code, Section 27 of the Arms Act and section 3(i) (r), 3(1) (s), 3(2) (v) of SC/ST (Prevention of Atrocities Act) Act was rejected.

Allegation against the appellants is that they fired upon the husband of the informant due to which he sustained gun shot injury. It is further alleged that when the son of the informant came to save him, then all the accused persons started firing and left their motorcycle along with one Tempo on that place. Further on the way to hospital, informant's husband died.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. The appellants



are not named in FIR rather their name came into light in this case during the course of investigation. It is further submitted that nothing incriminating article has been recovered from their conscious possession. Moreover, they are languishing in judicial custody since 28.03.2023.

The application for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that from perusal of the case diary vide para 23 reveals that one motorcycle was recovered from the place of occurrence and from record it was found that it belongs to one Anand Kumar Mishra, during investigation, the CDR and tower location were obtained by the police, it was found that there were frequent calls on mobile No. 6200371575 which belongs to one co-accused, namely, Sumit Kumar who was interrogated by the police and he admitted regarding his involvement in this case along with these appellants. These appellants also confessed their guilt during investigation in their confessional statement which is mentioned in case diary. It is also submitted that police has recovered two empty along with one live cartridge from the place of occurrence and witnesses supported the prosecution case. Appellants have criminal antecedents as well.

Having heard learned counsel for the parties and considering the aforesaid facts, I do not find it appropriate to grant bail to the appellants and, as such, their prayer for bail stand rejected.



These appeals stand disposed off.

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

(Sunil Kumar Panwar, J)

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