

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4503 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- KHAJEKALA District- Patna

Md. Danish @ Shalu Son Of Md. Haidar Imam Resident Of Village - Lala Toli, Khajekalan, District - Patna

... .. Appellant/s

Versus

1. The State Of Bihar
 2. Sunita Devi Wife Of Late Devi Chaudhary Resident Of Mohalla - Sadar Gali, Near Kali Mandir, Adarsh Colony, P.S. - Khajekalan, District - Patna
- Respondent/s

Appearance :

For the Appellant/s	:	Mr.Madhav Raj
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-12-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the Opposite Party No.2.

The instant appeal has been filed by the appellant against the order dated 01.08.2023 passed by learned Exclusive Special Judge, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Khajekalan P.S. Case no. 35 of 2023 under Sections 302, 120B and 34 of the Indian Penal Code, Section 27 of Arms Act and section 3(i)(r)(s), 3(2) (va) of SC/ST (Prevention of Atrocities Act) Act was rejected.

As per allegation in the FIR, appellant along with other co-accused person committed murder of the informant's



husband by opening fire.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous enmity. The appellant has no intention to disgrace the image of the informant in public view. Only because, the appellant was named in FIR in the commission of as alleged murder of the informant's son earlier, he has been dragged in this case. Moreover, he is languishing in judicial custody since 31.01.2023.

The application for bail is opposed by learned Spl. P.P. for the State and learned counsel for the Opposite Party No.2 and submitted that appellant is named in FIR and there is specific allegation against the appellant along with other co-accused to commit murder of the informant's husband by opening fire. Postmortem report also corroborates with the prosecution version as seven entry wounds and four exit wounds found on the body of the deceased and doctor opined that cause of death of the deceased is due to firearm. During investigation, witnesses supported the case of prosecution.

Having heard learned counsel for the parties and considering the aforesaid facts, I do not find it appropriate to grant bail to the appellant and, as such, his prayer for bail is



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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