

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1085 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- ALOULI District- Khagaria

RAHUL KUMAR Son of Arjun Yadav Resident of Village- Hathwan, P.S.-
Alouli, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Sundar Sah Son of Late Bindeshwari Sah Resident of Village-
Hathwan, P.S.- Alouli, District- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

5 11-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 23.1.2023 passed by learned Additional Sessions Judge 1st Cum-Special Judge SC/ST Act, Khagaria whereby the prayer for bail of the appellant in connection with Alouli P.S. Case no. 392 of 2022 under Sections 353, 332, 307, 302, 120(b)/34 the Indian Penal Code, section 27 of the Arms Act and sections 3(2)(v) of SC/ST Act was rejected.

3. As per prosecution case, the informant along with constable Jai Narayan Paswan were on duty in the meantime, the appellant along with co-accused Prafful Kumar and asked



for matchbox. Suddenly, both the accused persons fired due to which informant sustained injury on his leg. Jai Narayan also sustained injury but died during course of treatment.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. It is submitted that during course of trial, the informant has been examined as PW-2 who denied to identify the appellant as assailant and he only stated that co-accused Prafful Kumar fired upon them. The appellant has not taken the cast name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent and languishing in judicial custody since 23.8.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that the appellant is named in the FIR who along with co-accused Prafful Kumar has specifically been alleged to fire due to which the informant sustained injury but Jai Narayan Paswan died during course of treatment. Charge sheet has been submitted against the appellant. Postmortem report of the deceased corroborates the prosecution in which two entry and two exit wounds are mentioned. It is further submitted that during course of investigation, witnesses have



supported the prosecution case.

6. Having heard learned counsel for the appellant and considering the aforesaid facts and circumstance of the case, I do not find it appropriate to grant bail to the appellant and as such, the appeal stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

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