

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1586 of 2024**

Arising Out of PS. Case No.-44 Year-2023 Thana- KUDHNI District- Kaimur (Bhabua)

Arvind Rai @ Bagrudan Rai son of Kedar Rai Village- Dumduma Ps-
Kudhani Dist- Kaimur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Guddu Mushar son of sudama Mushar R/o- Kudhani Ps- Kudhani Dist-
Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P. N. Shahi, Sr. Advocate, Mr. Nagendra Singh Mr. Amit Anand
For the Respondent/s	:	Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 27-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 21.02.2024 passed by the learned Addl. District & Session Judge-1 cum Special Judge, Kaimur at Bhabua in connection with Kudhani P.S. Case No. 44/2023, registered for the offence/s punishable u/ss 147, 148, 149, 302 of the Indian Penal Code, section 27 of the Arms Act & sections 3(2)(v) of the SC/ST Act.



3. As per the prosecution case, the appellant and the co-accused persons are alleged to have holding weapons and fired on Santosh Mushar due to which he died on the spot.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. There is land dispute between both the parties. The appellant has seven criminal antecedents out of which he was acquitted in four criminal cases and he is on bail in the rest criminal cases as stated in para 3 of the bail petition. The appellant is in custody since 20.11.2023.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant and submitted that there is specific allegation of firing against Arvind Rai @ Bagrudan Rai (appellant) due to which one person died on the spot.

6. Considering the aforesaid facts and circumstances of the case and the specific allegation of firing against the appellant, I am not inclined to enlarge the appellant above-



named on bail.

7. Learned trial court is directed to expedite the trial
and conclude the same at the earliest.

8. The appeal stands rejected.

(Chandra Prakash Singh, J)

Ranjeet/-

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