

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4051 of 2024

Arising Out of PS. Case No.-365 Year-2023 Thana- KORHA District- Katihar

Md. Sahil @ Sahil Son of Md. Manjur R/O Vill.- Pawai, Makdampur, P.S.-
Korha, Dist.- Katihar.

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Nandani Kumari D/O Gopi Das R/O Vill.- Jayanitgram Pawai, Ward no. 12,
P.S.- Korha, Dist.- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajendra Prasad Sah, Adv.
For the Resp. No. 2	:	Mr. Amit Kumar Anand, Adv.
For the Respondent/s	:	Mr.Usha Kumari I

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

ORAL ORDER

2 05-09-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as 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 against the rejection of prayer for bail vide
order dated 07.05.2024 passed by the learned court of
Additional Sessions Judge-1 cum Special Judge, SC/ST (POA)
Act, in connection Korha P.S. Case No. 365 of 2023 dated
24.09.2023 registered for the offence/s punishable u/ss 302, 307,
324, 326 read with section 34 of the Indian Penal Code, 27 of
the Arms Act and 3(2)(v)(va) of the SC/ST (POA) Act.



3. As per the prosecution case, the appellant and the co-accused persons are alleged to have entered the house of the informant and the appellant fired on the stomach of the informant's brother causing injury thereafter, the other co-accused also fired in the courtyard. When the informant's uncle tried to catch the accused persons, in the meantime, the co-accused Anil Sharma fired on his stomach due to that he died on the spot and they fled away.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is no specific allegation of firing against the appellant. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. The appellant has three criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 01.12.2023.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant. The specific allegation of firing is against the appellant, Md. Sahil and the



co-accused Anil Sharma.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 07.05.2024 passed by the learned court of Additional Sessions Judge-1 cum Special Judge, SC/ST (POA) Act, in connection Korha P.S. Case No. 365 of 2023 and accordingly, the prayer for bail of the appellant is rejected.

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

(Chandra Prakash Singh, J)

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