

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4448 of 2023

Arising Out of PS. Case No.-523 Year-2021 Thana- BARH District- Patna

Kanhaiya Singh @ Kanhiya Singh @ Kanhiya Kumar S/O Ganesh Prasad
Singh Village- Bedhna, Ps. Barh, Dist. Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharam Raj Kumar S/O Sri Krishna Mohan Prasad Village- Gopkita, Ps.
Pandarak, Dist. Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Anand

For the Respondent/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-01-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant

The instant appeal has been filed by the appellant against the order dated 05.08.2023 passed by learned Exclusive Special Judge, SC/ST Patna whereby the prayer for bail of the appellant in connection with Barh P.S. Case no. 523 of 2021 under Sections 307, 302, 120B and 34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(2)(v) of SC/ST (Prevention of Atrocities Act) Act was rejected.

Allegation against the appellant is that he fired upon one Lal Bahadur Das on his leg due to which he sustained gun



shot injury and later on he died. It is further alleged against co-accused persons, namely, Rakesh and Vikash Singh that they fired upon one Rajesh Kumar on his both legs due to which he sustained gun shot injuries and shot dead.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant has no intention to disgrace the image of the informant in public view. It is further submitted that appellant fired upon the deceased, namely, Lal Bahadur Das on his leg which is not the vital part. Moreover, he is languishing in judicial custody since 17.12.2022.

The application for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that appellant is named in FIR and there is specific allegation of firing against the appellant who fired upon the deceased, namely, Lal Bahadur Das on his leg due to which he died. During investigation, witnesses supported the prosecution case and as per postmortem report, doctor opined that the cause of death of the deceased is haemorrhage which is caused by firearm. Appellant has six 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 appellant and, as such, the appeal stands 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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