

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4433 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BHAGWANPUR District- Begusarai

Akshay Kumar Son of Ranjit Singh @ Ranjit Rai @ Ranjeet Ray R/o Village
Dahiya P S Bhagwanpur District Begusarai

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rinki Kumari W/O Late Arjun Sada Village Dahiya Bhagwanpur Police
Station District Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mohit Shriwastava, Adv.
For the Respondent/s	:	Ms.Usha Kumari 1, SPP
For the Resp. No.2	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 21-03-2024 Learned Special Public Prosecutor submits that she has already complied the order dated 23.01.2024 passed by the Co-ordinate Bench of this Court and has informed the respondent no.2 regarding institution of the present case but, no one her behalf has turned up today.

2. Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. No one appears on behalf of the respondent no.2/Informant.

3. The instant appeal has been filed by the appellant against the order dated 05.07.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act,



Begusarai whereby the prayer for bail of the appellant in connection with Bhagwanpur P.S. Case No. 28 of 2023 (GR No. 20 of 2023) under Section 302 of the I.P.C., Section 27 of the Arms Act and Section 3(2)(v) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellant is of gun-shot firing causing death to the husband of the respondent no.2/Informant.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is no recovery of any incriminating material from the conscious possession of the appellant. There is delay of two days in lodging the F.I.R. without any valid explanation for the same. He further submits that the seizure list was prepared on 09.02.2023 and the F.I.R. was lodged on 11.02.2023 which falsifies the prosecution case. There is also no motive behind the occurrence. The postmortem report contradicts the statement made in the F.I.R. He further submits that no abuse has been hurled by



the appellant at their home and, thus, there is no application of any provision of the SC/ST Act in this case. The appellant is in custody since 15.02.2023 and has one criminal antecedent.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant submitting that there is specific and direct allegation of firing against the appellant. The postmortem report also supports the prosecution case. He further submits that one country made pistol, one bullet and one empty cartridge have been recovered from the appellant and, thus, the appellant does not deserve bail.

7. Considering the aforesaid facts and circumstances of the case and taking into account the nature of allegation which is serious as also considering the fact a country made pistol and a bullet have been recovered from the appellant, this Court is not inclined to grant bail to the appellant.

8. Accordingly, the prayer for bail of the appellant, above named, is rejected with a direction to the court below



to expedite the trial and conclude the same expeditiously preferably within a period of twelve months from today.

9. If the trial is not concluded within the aforesaid period of twelve months, the appellant will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

10. The appeal stands disposed of.

(Rudra Prakash Mishra, J)

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