

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4614 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- BALIYA District- Begusarai

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KUNDAN KUMAR @ KUNDAN KUNWAR @ KUNDAN KUWAR Son of
Hari Kumar @ Hari Kunwar @ Hari Kuwar R/o vill - Bhawanandpur, ward
no. 01, P.s. - Ballia, Dist. - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Paswan Son of Late Bachi Paswan R/o vill - Bhawanandpur, ward
no. 01, Post Masudanpur, P.S. - Ballia, Distt. - Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 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 18.08.2023 passed by learned Exclusive Special Judge SC/ST PoA Act, Begusarai whereby the prayer for bail of the appellant in connection with Ballia P.S. Case no. 104 of 2023 under Section 302, 34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i)(r)(s), 3(2)(va) of SC/ST PoA Act was rejected.

3. According to prosecution case, the informant has alleged that the appellant abused and committed murder of her wife by shot fire, while he and his wife were going to attend marriage ceremony.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant has not committed any offence. The appellant has not abused the informant in public view so no offence is made out under the provisions of the SC/ST Act against him. It is also submitted that the appellant is languishing in judicial custody since 09.05.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that there is direct allegation against the petitioner of opening fire upon the wife of the informant, resulting into her death, this court is not inclined to enlarge the appellant on bail and, as such, his prayer for bail stands rejected.

The appeal stands disposed off.

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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