

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4879 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- KHIRI MORE District- Patna

Nagendra Bind @ Mukhia S/O- Late Bin Bind @ Chneshwar Bind Village-
Khusdihra Ps- Khirimore Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rahul Kumar S/o- Ramesh Paswan Village- Khusdihra Ps- Khirimore Dist-
patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Dubey, Adv.
For the Respondent/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 29-02-2024 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

2. Learned SPP for the State submits that notice

has already been served but none appears on behalf of the

informant.

3. The instant appeal has been filed by the

appellant against the order dated 01.09.2023 passed by

learned Special Judge, SC/ST, Act, Patna whereby the

prayer for bail of the appellant in connection with Special

No. 173 of 2023 arising out of Khirimore P.S Case No. 54

of 2023 under Sections 324/ 326/ 307/ 504 of I.P.C. and 27



of the Arms Act and under Section 3 (I) (r) (s) / 3 (2) (va) of SC/ST Act was rejected.

4. Prosecution case, in short is that there is allegation against the appellant is to have assaulted with firearms caused firearm injury upon the informant and also abused the informant by caste name.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 28.04.2023 and appellant has got 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 and submitted that there is directed allegation against the appellant as regard to firearm injury.

7. Considering the aforesaid facts and circumstances of the case, perusal of the FIR and case diary it appears appellant is named in FIR and there is direct allegation of firing upon informant as a result of which informant received gun shot injury on his back side of his body and all witnesses in the case diary supported the



prosecution case. Injury report mentioned in para no. 50 corroborates the allegation in the FIR against the appellant, this Court, at present, is not inclined to grant bail to the appellant.

8. Accordingly, the prayer of bail of the appellant is rejected herewith.

9. Hence, appeal stands dismissed.

(Ramesh Chand Malviya, J)

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