

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.62 of 2023

Arising Out of PS. Case No.-56 Year-2021 Thana- UDAKISHUNGANJ District- Madhepura

Ramesh Goswami S/O Sri Baijnath Goswami R/O Village- Pipra Karouti,
P.S.- Udakishunganj, Distt- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bindu Devi W/o Late Ram Bahadur Paswan R/o Pipra Karauti, Ward no. 3,
P.S.- Udakishunganj, Distt- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 25-01-2024 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 03.11.2022 passed by learned Additional District and Sessions Judge-1st-cum-Special Judge, Madhepura whereby the prayer for bail of the appellant in connection with Udakishunganj P.S. Case No. 56 of 2021 under Sections 302, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(iv) the SC/ST Act was rejected.

3. The allegation against the appellant is of firing



upon the husband of the informant due to which he died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is no independent eye witness to the alleged occurrence. He submitted that there is a contradiction between the *fardbeyan* and re-statement of the witnesses. He has not taken the caste name of the informant in public view. He is languishing in judicial custody since 25.07.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that petitioner is named in the FIR and there is specific allegation against this petitioner is that he fired upon the informant's husband due to which he died. He submitted that informant is an eye-witness to the alleged occurrence. During investigation, several independent witnesses have supported the prosecution case, which has come in vide paras- 8, 9, 22 and 25 of the case diary. The postmortem report has also corroborated the prosecution case and the doctor opined that the cause of death was gunshot injury.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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