

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5380 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- DEEPNAGAR District- Nalanda

=====

KARU MAHTO @ RAMSHARAN PRASAD Son of Saryug Mahto Resident
of village Dullachak , P.S. Deepnagar District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Shishupal Paswan Son of Anil Paswan, Resident of Village, Manichak P.S.
Deepnagar , District- Nalanda

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Yogesh Kumar

For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 22.09.2023 passed in a case registered for the offence punishable under sections 147, 148, 149, 342, 302/120B of the Indian Penal Code, section 25(1-b)a/26/35/27 of the Arms Act and sections 3(1)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per prosecution case, informant alleged that while his uncle was going towards market in the meantime, appellant and other co-accused persons came on the motorcycle



and in connivance with others fired upon the uncle of the informant due to which his uncle sustained several gunshot injuries and died.

4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in this case on the basis of doubt and suspicion. There is no specific overt act against this appellant rather the allegation is general and omnibus in nature. There is no allegation of abuse by calling caste name. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail to the appellant and submitted that this appellant in connivance with other accused persons fired upon the uncle of the informant. During investigation, witnesses have supported the prosecution case. Bail of one similarly situated co-accused regular bail has already rejected by a coordinate Bench vide order dated 02.11.2023 passed in Cr. Miscellaneous No. 3644/2023.

6. Considering the nature of accusation and gravity of



offence and also the appellant along with other co-accused persons caused multiple fired arms injuries as a result one person died.

7. I do not find any reasons to interfere with the impugned order, accordingly this appeal is dismissed.

(Prabhat Kumar Singh, J)

Ranjeet/-

U		T	
---	--	---	--

