

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5691 of 2023**

Arising Out of PS. Case No.-303 Year-2022 Thana- KALYANPUR District- Samastipur

Manish Kumar Sah @ Manish Kumar @ Mantoo Kumar S/o Rajesh Sah R/o
village-Maniyarpur, P.O and P.S- Kalyanpur, District-Samastipur,

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashutosh Nath, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 25-10-2024 Heard Mr. Ashutosh Nath, learned Counsel for the

appellant and Mrs. Usha Kumari 1, learned Special Public

Prosecutor for the State.

2. The present appeal is directed against the order dated 14.09.2023 passed by learned Special Judge S.C./S.T. (POA) Act, in connection with Kalyanpur P.S. Case No. 303 of 2022 registered under Sections 341, 302, 504 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) of the S.C./S.T. Act.

3. The allegation against the appellant is that he along with other co-accused persons started indiscriminate firing with country made pistol upon the father of the informant, as a result of which, he died on the spot.

4. Learned Counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in this case. He further submits that the allegation as



alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R .

5. Learned Special Public Prosecutor for the State, on the other hand, on the basis of the materials available on record and case-diary has vehemently opposed the prayer and submits that a bare perusal of the F.I.R, it appears that there is direct allegation against the appellant that he has fired upon the victim and also fired upon the Ram Sunil Paswan and the statement of Ram Sunil Paswan recorded in paragraph-88 of the case diary in which he has further stated that the appellant has fired upon him as well as deceased.

6. Considering the aforesaid facts and there is direct and specific allegation against the appellant, I am not inclined to enlarged the appellant on bail in connection with Kalyanpur P.S. Case No. 303 of 2022 pending in the court of learned Special Judge, S.C./S.T. Act, Samastipur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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