

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.866 of 2024**

Arising Out of PS. Case No.-1083 Year-2023 Thana- GAYA MUFASIL District- Gaya

Sunny Kumar @ Sunny Dewal S/o Raja Beldar @ Raja Bind Resident of
Village- Sikhar (Baradih), P.S.- Mufassil, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Rishi Kumar Son of Pappu Ravidas Resident of Village- Baradih, P.S.-
Muffasil, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Sharma, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P
For the Resp No. 2	:	Mr. Mrigendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-09-2025 1. Heard learned counsel for the appellant, learned
Special P.P. for the State, Binay Krishna and the learned counsel
appearing on behalf of the Respondent No. 2.

2. The appellant apprehends his arrest in a case
registered for the offences punishable under 147, 148, 149, 341,
323, 302 and 504, Sections 27 of the Arms Act and Section 3(2)
(v) of the Scheduled Caste and Scheduled Tribe (Prevention of
Atrocities) Act, 1989.

3. Learned counsel for the appellant submits that the
appellant is a person with clean antecedent and has been falsely
implicated in the instant case by the informant with general and
omnibus allegation. It is next submitted that from perusal of the



allegation as alleged in the FIR, it would manifest that the informant alleges that the deceased was surrounded by the named accused persons including the appellant as well as by unknown accused persons and Roshan, Sagar and Sunil fired causing death of his brother. It is next submitted that this appellant is alleged to have caught the deceased along with other named accused persons. The learned counsel submits that the appellant is not alleged to have fired, as allegation of firing is specifically alleged against Roshan, Sagar and Sunil.

4. The learned Special P.P and the learned counsel appearing on behalf of the respondent No. 2 oppose and submit that the appellant was also present at the place of occurrence. It is also submitted that appellant might not have fired at the deceased but then his presence at the place of occurrence along with other accused persons emboldened Roshan, Sagar and Sunil to commit the occurrence of firing causing death of the brother of the informant. It is also submitted that sister of the deceased was having an affair with Roshan and the deceased was objecting the said relationship on account of which the occurrence is alleged to have taken place. It is also submitted that investigation in the case is continuing.

5. Considering the submission made by the learned



Special P.P and the learned counsel appearing on behalf of the informant, the Court is not inclined to allow the appeal.

6. The appeal is thus dismissed.

(Satyavrat Verma, J)

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