

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1132 of 2024

Arising Out of PS. Case No.-416 Year-2020 Thana- PARBATTa District- Khagaria

Satyam Kunwar @ Satyam Kumar S/O Bilash Kunwar R/O Village-
Srirampur Thuthi, P.S.- Parbatta, District- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mritunjay Sharma S/O Late Nago Sharma R/O Village- Temtha Karari,
Ward No. 2, P.S- Parbatta, Distt.- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Choudhary, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 10-01-2025 Heard Mr. Anil Kumar Choudhary, learned counsel

for the Appellant and Mr. Sadanand Paswan, learned APP for the

State.

2. This appeal has been preferred for setting aside the
order dated 23.12.2023 passed by learned Additional Sessions
Judge- 1st cum-Special Judge (SC/ST), Khagaria in Criminal
Bail Application (SC/ST) No. 264 of 2023 arising out of
Supplementary Parbatta P.S. Case No. 416 of 2020 registered
for the offences punishable under Sections 302 and 307 read
with Section 34 of the Indian Penal Code, Section 27 of the
Arms Act and later on Section 3(2)(v) of the SC/ST Act was
added.



3. As per the prosecution story, the informant stated that on 11.11.2020 at about 10:00 P.M while he was sitting with Nakul Sharma (deceased) in his cattle shed the appellant alongwith three other co-accused persons and six unknown persons armed with countrymade pistol arrived and started abusing them and thereafter, forcefully took them towards Kishori's cattle shed and started assaulting them. The appellant and co-accused Vipul Singh fired at the deceased who died on the spot and when the informant tried to run away to save his life, the appellant shot at him which hit his right hand and elbow.

4. The main submissions advanced by learned counsel appearing for the appellant are that the appellant has been languishing in jail since 19.05.2023, one co-accused, Bipul Kumar @ Vipul Singh, carrying similar nature of allegation has been granted bail by this Bench vide order dated 07.07.2022 passed in Cr. Misc. No. 17424 of 2022 and in the trial of the said co-accused which is running separately, material witnesses of the prosecution went hostile whose deposition copies have been filed with this petition vide Annexure-P-3 and Annexure-P-4 though, against the appellant there are criminal antecedents of five cases but he is on bail in all the said cases.



5. On the contrary, learned APP appearing for the State submits that the case of this appellant does not stand on similar footing with the co-accused, Vipul Singh, in view of the nature of allegation as well as his criminal antecedents.

6. Heard both the sides and perused the FIR, case diary and order impugned. As per the allegation, this appellant and co-accused fired at the deceased using countrymade pistol which resulted in death of the victim on the spot and the informant claimed himself to have witnessed the alleged occurrence and when he tried to flee from the clutches of the accused then the petitioner fired at him also and caused him firearm injuries and in this regard, informant's injury report available in the case diary is relevant and corroborative, so, in view of this allegation, the case of this petitioner does not stand on similar footing with the co-accused, Bipul Kumar @ Vipul Singh and further he has criminal antecedents of five cases and all the material prosecution witness are to be examined in his trial. Considering these facts, the appellant does not deserve to the privilege of bail and his bail prayer has been rightly rejected by the trial court, accordingly, this Court finds no merit in this appeal, so, it stands dismissed.

7. The trial court is expected to expedite the trial of



the petitioner keeping in view the fact that the petitioner has
been languishing in jail since 19.05.2023 and take steps to
conclude the same as early as possible.

(Shailendra Singh, J)

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