

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1364 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- GORIAKOTHI District- Siwan

Pappu Tiwari @ Pappu Kumar Tiwari S/o- Ashok Tiwari Village- Matuk
Chhapra Ps- Sarai OP Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Baban Ram son of Late Raj Kumar Ram Village- Saai Paschim Tola Ps-
Gorekothi Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 08-05-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. The instant appeal has
been heard along with Cr. Appeal (SJ) No. 2731 of 2024 in
which case diary was called for.

2. The instant appeal has been filed by the appellant
against the order dated 15.02.2024 passed by learned 1st
Additional Sessions Judge cum Special Court, Siwan whereby
the prayer for anticipatory bail of the appellant in connection
with Gorea Kothi P.S. Case No. 207 of 2023 under Sections
302/34/120(B) of the I.P.C., Section 27 of the Arms Act and
Sections 3(2)(v) of the SC/ST (POA) Act was rejected.

3. As per prosecution case, the appellant and others are



said to have concertedly fired upon the informant's son due to which he sustained fire-arm injury and died.

4. Learned counsel for the appellant submits that the appellant is innocent and has has falsely been implicated in the present case only on the basis of suspicion. Charge-sheet has been submitted in this case. There is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. He further submits that as per allegation, the allegation of firing is against three accused persons but, from the postmortem report, it appears that the deceased has sustained one gun shot injury which creates doubt in the veracity of the prosecution case. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness to the alleged occurrence and, merely on the basis of suspicion, the appellant has been falsely implicated in the present case. There is not an iota of evidence in the entire record of the case which shows the complicity of the appellant in the present case and has been implicated in this case only on the basis of his criminal antecedent. The appellant has altogether five criminal antecedents and in all of them, he is on bail as has been stated in Para-3 of the present appeal. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide



order dated 31.01.2024 passed in Cr. Appeal (S.J.) No. Criminal Appeal (SJ) No.4405 of 2023.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that there is specific allegation against the accused persons including the appellant of firing upon the Informant's son due to which he died. Charge-sheet has been submitted in this case. The postmortem report supports the prosecution case. The Informant in his re-statement contained in Para-4 and several witnesses in Para 8, 9, 10 and 11 have supported the prosecution case. The offence alleged is serious in nature. The appellant has altogether sixteen criminal antecedents and, hence, he does not deserve bail.

6. Pursuant to the order of this Court passed in Cr. Appeal (SJ) No. 2731 of 2024, the learned court below has sent its report dated 27.01.2025 regarding present stage of the trial. From perusal of the same, it appears that the case is fixed for framing of charges on 06.02.2025 but, learned counsel for the Informant appearing in the aforesaid Cr. Appeal (SJ) No. 2731 of 2024 submits that six witnesses have been examined till date.

7. Having heard learned counsel for the parties and taking to into account the nature and gravity of the offence



alleged as also there being direct allegation against the appellant of committing murder of the Informant’s son by firing, this Court is not inclined to grant privilege of anticipatory bail to the appellant.

8. Accordingly, the appeal stands dismissed with a direction to the learned court below to expedite the trial and conclude the same expeditiously. If the appellant surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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