

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2078 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- BUXAR District- Buxar

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Gopi Chauhan @ Vishal Kumar S/O Suresh Chauhan R/O Village-
Shantinagar, P.S- Buxar (Town), Distt.- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Akshaylal Paswan S/O Late Parmeshwar Paswan R/O Village- Shantinagar,
P.O- Gajadharganj, P.S- Buxar (Town), Distt.- Buxar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
		Mr. Amit Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, SPP

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

ORAL ORDER

9 23-01-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case

diary. Learned counsel for the informant is not present.

2. The instant appeal has been filed by the appellant
against the order dated 02.03.2023 passed by learned Additional
District and Sessions Judge 1st cum Special Judge (S.C./S.T),
Buxar, whereby the prayer for bail of the appellant in
connection with Buxar (Town) P.S. Case No. 49 of 2023, under
Sections 302/34 of the Indian Penal Code, Section 27 of Arms
Act, Sections 3(i)(r)(s) and 3(2)(v) of SC/ST (POA) Act was
rejected.



3. Prosecution case, in short, is that, the appellant along with other co-accused person fired upon the son of the informant due to which he succumbed to his injuries. It is further alleged that the appellant also threatened for dire consequences to the friends of the deceased and fled away from the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that no specific allegation of firing upon the deceased has been levelled against the appellant. The allegation levelled against the appellant is general and omnibus in nature. It is further submitted that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 30.01.2023 and has three criminal antecedents in which he is on bail in two cases.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. It is further submitted that the appellant is named in



the FIR as well as there is serious allegation against him of killing the son of the informant and the appellant has got three criminal antecedents. Hence, the appellant does not deserve the privilege of bail.

6. As per report dated 28.09.2024 sent by the learned Court below, it appears that all the prosecution witnesses have been examined, prosecution witness has been closed on 26.09.2024 and record is fixed for recording statement under Section 313 Cr.P.C.

7. Considering the aforesaid facts and circumstances of the case as also taking into account the present stage of the trial and the nature and gravity of the offence, this Court is not inclined to grant bail to the appellant at this juncture.

8. Accordingly, the appeal stands dismissed. The Trial Court is directed to expedite the trial expeditiously.

(Rudra Prakash Mishra, J)

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