

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2609 of 2025

Arising Out of PS. Case No.-492 Year-2024 Thana- TEKARI District- Gaya

Amod Kumar @ Amed Kumar Paswan S/O Rangi Paswan @ Ramchandra
Paswan Village- Kharagpura, P.S.- Tekari District- Gaya, State- Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Kumar S/O Late Hari Charan Paswan R/O Vill.- Jagdishpur, P.S.-
Manikpur, Dist.- Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prithivi Raj Singh, Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Gautam, Advocate

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

ORAL ORDER

4 16-10-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and learned counsel for the
informant.

2. The instant appeal has been filed by the appellant
against the order dated 20.01.2025 passed by learned Exclusive
Special Judge, SC/ST, Gaya whereby the prayer for bail of the
appellant in connection with Tekari PS Case No. 492 of 2024
instituted under Sections 127(1), 127(2), 103(1), 351(2) & 3(5)
of the Bharatiya Nyaya Sanhita, 2023, Sections 3(2)(va), 3(2)
(v), 3(1)(s) & 3(1)(r) of SC/ST Act and Section 27 of the Arms
Act was rejected.

3. The prosecution case, in brief, is that on



22.11.2024, informant attended a Tilak ceremony at village Kharakpur, where his son Kundan Kumar was shot by accused Amod Kumar (appellant) on the roof of Rangi Paswan's house. The injured was taken to Gaya Hospital, where he was declared dead.

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 submits that nothing incriminating has been recovered from the conscious possession of the appellant. Parties are relatives. He further submits that appellant did not intend to kill the victim by doing harsh firing and he was unaware that harsh firing would cause death. Learned counsel for the appellant further submits 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 07.12.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. There is direct allegation of firing upon the appellant,



which is corroborated by postmortem report, wherein cause of death is hemorrhage and shock due to firearm injury.

6. Considering the aforesaid facts and circumstances of the case and specifically taking into account the fact that there is direct allegation of firing upon the appellant, which is corroborated by postmortem report, this Court is not inclined to allow the appeal. Appeal is, accordingly, *dismissed*.

7. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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