

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.166 of 2024

Arising Out of PS. Case No.-568 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Ram Kishore Kumar Tiwary @ Ram Kishore Kumar Son Of Virendra Kumar
Tiwary @ Virendra Tiwary R/O Tiwary Mohalla- (BHA KARUAMORE),
P.S.- Daudnagar, Dist.- Aurangabad (BIHAR)

... .. Appellant/s

Versus

The State Of Bihar Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 30-01-2025 Heard learned counsel appearing on behalf of
appellant and Spl. Public Prosecutor.

2. This criminal appeal has been filed against the order dated 13.12.2023 passed by learned Special Judge SC/ST-cum- 1st Additional District & Sessions Judge, Aurangabad in connection with ABP No. 2336 of 2023 arising out of Daudnagar P.S. Case No. 568 of 2023, registered under Sections 302/34 of the Indian Penal Code and Sections 3 (i)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. As per prosecution case, on 29.9.23 at 4:45 AM, while informant and her husband were on the morning walk



near Paswan Chowk, in the meantime, all the F.I.R. named accused persons including this appellant riding on two motorcycles came there and started firing upon the husband of informant, resulting in his death.

4. It is submitted appellant is innocent and has committed no offence. Appellant has been made accused only on suspicion. Informant is not an eye witness of the occurrence. As a matter of fact, at the relevant time, appellant was not present at the place of occurrence as he was going to Dehri on Sone railway station by his private car to catch Chambal Express and during investigation also, police has not found the presence of appellant and informant at the place of occurrence. It is not the case of informant that alleged incident occurred within public view, as such, no case under SC/ST act is made out against appellant.

5. However, learned Spl. Public Prosecutor appearing for the State vehemently opposes the prayer for bail application and submits that from perusal of the F.I.R. it is apparent that appellant is one of the assailants and there is specific accusation that appellant shot on the head of the husband of informant.

6. Considering the nature of accusation and gravity of offence, I do not find any ground to interfere with the order of



the learned court below and as such, the appeal, which has been
filed for grant of anticipatory bail, is hereby rejected.

(Prabhat Kumar Singh, J)

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