

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.762 of 2018
Along with
Interlocutory Application No. 01 of 2021

Arising Out of PS. Case No.-88 Year-2014 Thana- SHANKARPUR District- Madhepura

Meghnath Choupal @ Medhnath Choupal (Sharma), Son of Baldeo Choupal
@ Baldeo Sharma resident of Village: Raibheer, P.S. Shankarpur, District
Madhepura.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikram Deo Singh, Advocate
Mr. Amarnath Jha, Advocate
For the Respondent/s : Dr. Mayanand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

8 14-07-2022

Re.: Interlocutory Application No. 01 of 2021

Heard Mr. Vikram Deo Singh, learned counsel along with Mr. Amarnath Jha, learned counsel for the appellant-applicant and Dr. Mayanand Jha, learned A.P.P. for the State.

2. The appellant-applicant stands convicted for offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act and sentenced to undergo rigorous imprisonment for life under Section 302/34 of the Indian Penal Code and fine of Rs. 50,000/-, and to undergo rigorous imprisonment for one year under Section 27 of the



Arms Act and in default of payment of fine to further undergo imprisonment for two years by judgment and order dated 30.05.2018 and 31.05.2018 passed by the 2nd Additional Sessions Judge, Madhepura in Sessions Trial No. 163 of 2014, C.I.S.-01 of 2015 arising out of Shankarpur P.S. Case No. 88 of 2014.

3. The allegation against the appellant is of having shot dead the son of the informant.

4. Learned counsel for the appellant submitted that in the F.I.R. it is alleged that the appellant along with others had committed the crime and specifically against the appellant of having shot the deceased, but during trial, the informant stated that he could not identify the accused as they were wearing helmet. It was submitted that the appellant is in custody for over eight years now.

5. Learned A.P.P., who has filed written objection, submitted that there was political rivalry between the parties and the young son of the informant has been shot at point blank range by the appellant. It was submitted that the appellant also is accused in eleven other cases under grave sections of the Indian Penal Code as well as the Arms Act. Further, it was submitted that there is direct identification of the appellant as the main



assailant.

6. Having considered the facts and circumstances of the case and submissions of the learned counsel for the parties and taking into account the materials and evidence which have come during trial, the Court is not inclined to allow the prayer for suspension of sentence and release of the appellant-applicant on bail during the pendency of the appeal.

7. Accordingly, Interlocutory Application No. 01 of 2021 stands dismissed.

8. Registry shall place the matter for hearing in order of period of incarceration, after obtaining permission of Hon'ble the Chief Justice.

(Ahsanuddin Amanullah, J)

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

