

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No. 1266 of 2021**

Arising Out of P.S. Case No.-541 Year-2020 Thana-Tekari District-Gaya

Mukesh Kewat, s/o Tulsi Kewat, r/o Village-Chakmath, P.S.-Tekari, District-Gaya

... Appellant

Versus

The State of Bihar

...Respondent

Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Advocate
For the State	:	Ms. Usha Kumari, Spl.P.P.
For the Informant	:	Mr. Vishwa Ranjan Choudhary, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 26-04-2021

Heard learned counsel for the appellant, learned counsel for the informant and Ms. Usha Kumari, learned Spl. P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 21.12.2020 passed by learned Exclusive Special Judge ST/SC Act, Gaya in B.P. No. 381 of 2020 arising out of Tekari P.S. Case No. 541 of 2020 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, whereby and whereunder the prayer for the bail of the appellant has been rejected.

Learned counsel for the appellant submits that as per the prosecution story, the informant Ranjit Choudhary alleged that on 11.11.2020 his wife and his son went to his nanihal at Tekari. On 12.11.2020 at about 08:00 P.M. he was informed that his son has been killed then he raised suspicion that Mukesh Kewat (this appellant) who used to come at his place and often scuffle with his wife had killed his son.

Learned counsel submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted



that there is no eye witness to the alleged occurrence and the name of the appellant has transpired only on mere suspicion.

On the other hand, learned Spl.P.P. for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case, wherein there is a specific allegation that this appellant was in illicit relationship with the wife of the informant and the materials which have been placed before this Court showing that at the instance of the co-accused pistol which was used in killing of 12 year old son has been recovered and at the instance of this appellant the motorcycle in question was recovered from the house of Akhilesh, considering the seriousness of the offence alleged and the materials placed before this Court as also the fact that the appellant has got one criminal antecedent of similar nature, this Court is not inclined to release the appellant on bail. The prayer for regular bail of the appellant is, thus, refused.

Let the trial be expedited.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

