

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1696 of 2020

Arising Out of PS. Case No.-81 Year-2019 Thana- BABUBARHI District- Madhubani

BUDHESHWAR DAS Son of Late Damodar Das Resident of Village-
Babubarhi, District Madhubani.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav, Advocate
For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-01-2021 Heard Mr. Gagan Deo Yadav, learned counsel for the

appellant and Mr. Sadanand Paswan learned Additional Public

Prosecutor appearing for the State.

This appeal has been preferred on behalf of the
appellant for setting aside the order dated 12.03.2020 passed by
the learned 1st Additional District and Sessions Judge-cum-
Special Judge (SC/ST Act), Madhubani, arising out of
Babubarhi P.S. Case No. 81 of 2019 registered for the offences
punishable under Sections 302, 201 of the Indian Penal Code,
1860 and Sections 3(2) (va) of SC/ST Act whereby the prayer
for regular bail of the appellant has been rejected.

The prosecution story as per the First Information
Report is that on 12.04.2019 when the informant and his family
members including the deceased after seeing *Chaiti Durga* fair



returned home and slept in the house and on 13.04.2019 in the morning when the informant woke up, he did not find his daughter in the home. On search, the informant found the dead body of his daughter who was having six injuries caused by bricks.

Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and he has falsely been implicated in this case due to the village politics. Learned counsel further submits that the appellant is not named in the First Information Report. His name has transpired after lapse of about two months of the occurrence on the basis of statement of wife of the informant that the appellant was having dispute with the family of the informant inasmuch as the mother of the informant was kidnapped and killed by the appellant about seven years back and the case was lodged by the informant in which the appellant was exonerated by the Police.

On the other hand, learned counsel for the State referring to the case diary submits that during course of investigation it has come that the appellant after kidnapping the daughter of the informant has murdered her by means of bricks and this case is related to the kidnapping and murder of the daughter of the informant. In the case relating to murder of the



informant's mother, he has filed the complaint-cum-protest petition in which the appellant has been summoned and in retaliation the appellant has committed the present offence. Learned counsel further submits that the confessional statement of the appellant was also recorded in which he has confessed his guilt and has given vivid description of the offence.

Having heard learned counsel for the parties and taking into consideration the materials on record, I am not inclined to grant regular bail to the appellant.

Accordingly, this appeal stands dismissed and prayer for regular bail of the appellant is rejected.

(Anil Kumar Sinha, J)

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