

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.286 of 2021**

Arising Out of PS. Case No.-32 Year-2020 Thana- JAMHOR District- Aurangabad

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SUNIL PASWAN Son of Kailash Paswan Resident of Village - Mangarhia,
P.S.- Barun, Distt.- Aurangabad, (Bihar).

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Ms.Leelawati Kumari, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-04-2021 Heard learned counsel for the appellant and Mr.

Sadnanand Paswan, learned Special Public Prosecutor for the

State.

The appellant, in the present case, is seeking regular
bail in connection with Jamhore P.S. Case No. 32/2020
registered for the offence under Section 302/34 of the Indian
Penal Code and Section 3(2)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellant submits that he has
been falsely implicated in this case on mere suspicion.
According to the learned counsel for the appellant, in the F.I.R.
appellant has not been named. The son of the appellant had gone
to watch cricket match and the informant had seen him there
with Madhu Paswan, Prem Kumar and Anshu Kumar, in fact the



informant had raised suspicion against those three persons.

Learned counsel further submits that this appellant happens to be the brother-in-law (wife's brother) of co-accused Kapil Paswan about whom it is alleged that he had got illicit relationship with the wife of the informant and because the said relationship was being opposed by the deceased son, he was killed by the said Kapil Paswan and this appellant. The cause of death is throttling of neck by hand. Learned counsel submits that there is no eye witness to the alleged occurrence and considering that the name of the appellant has transpired on mere suspicion, he deserves privilege of bail.

On the other hand, learned Special P.P. for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the appellant. After going through the case diary, learned Spl. P.P. has informed that in fact in course of investigation when the mobile call detail of Kapil Paswan were obtained, it was found that he was talking to the wife of the informant. When he was arrested, he made a confessional statement in which he also named this appellant as his accomplice.

Learned counsel submits that the motive for the alleged occurrence is getting support from the CDR of the



mobile of the co-accused Kapil Paswan. It further submitted that the grand father of the deceased had seen the said co-accused and this appellant in the early morning hours next to the date of the alleged occurrence in suspicious condition. Prayer for bail of the co-accused Kapil Paswan has been rejected by the learned coordinate Bench in Cr. Appeal (SJ) No. 419/2021.

Having regard to the facts and circumstances of the case, considering the seriousness of the allegations in which a young boy has been done to death, the material collected in course of investigation in form of statement of the grand father of the deceased and then the CDR of the mobile phone indicating some connection of the co-accused with the mother of the deceased, the motive alleged is getting support from the independent material in form of CDR of the mobile and the prayer for bail of the co-accused having been refused by the learned coordinate Bench, this Court is not inclined to enlarge the appellant on bail.

Prayer for regular bail of the appellant is, thus, refused.

Let the trial be expedited.

It is expected that the trial court shall proceed with the



trial as expeditiously as possible and all endeavours shall be made to conclude the trial within a reasonable period.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

