

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 419 of 2021**

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

KAPIL PASWAN Son of Rampravesh Paswan Resident of Village - Makhra,
P.S.- Jamhore, Distt.- Aurangabad, (Bihar)

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Ms Leelawati Kumari, Advocate

For the Respondent/s : Mr Sadanand Paswan, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 16-03-2021

Heard learned counsel for the appellant and the learned Special PP for the State.

2 The appellant has preferred the present Appeal under Section 14 A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of his prayer for regular bail in BP No 399 of 2020 vide order dated 14.09.2020 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST Act, Aurangabad in a case registered under Sections 302/34 of Indian Penal Code and Sections 3 (2) (va) of SC/ST Act in connection with Jamhore Police Station Case No 32 of 2020 dated 12.06.2020.

3 It is the prosecution case that the informant's son had gone to witness a cricket match. When he did not return, he was searched. The next day, his dead body was found with black mark on the neck. The informant has stated about seeing the victim with three other accused persons, namely, Madhu



Paswan, Prem Kumar and Anshu Kumar. During further investigation of the case, statement of the grandfather has been recorded in which he has stated that in the morning while he had gone to attend the call of nature, he saw the instant appellant along with co-accused Sunil running away from the place where dead body of his grandson has been recovered.

4 It is submitted by the appellant's counsel that merely on suspicion, the appellant has been arrested. He, having no criminal antecedent, is in custody since 12.06.2020 and other than his confessional statement, there is nothing to connect him with the occurrence.

5 Learned Special PP for the State has submitted that strong motive has emerged for killing the victim, who had allegedly been opposing the illicit relationship of his mother with the instant appellant. In the case diary, call details of the appellant have been examined and appellant was found near the place from where the dead body was recovered.

6 In the circumstances, this Court is not inclined to allow the prayer for bail. The same is rejected.

7 Accordingly, the appeal is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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