

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.107 of 2021**

Arising Out of PS. Case No.-257 Year-2020 Thana- DIGHA District- Patna

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PAWAN KUMAR @ POPO Son of Mohan Rai Resident of Village-
Makhdumpur Get no.89, Digha, P.S.- Digha, Distt.- Patna.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Satrudhan Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Special P.P.

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

4 06-07-2021 Learned counsel for the appellant undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Binay
Krishna, learned Special P.P. for the State.

The sole appellant in the present case is seeking to set

aside the order dated 03.10.2020 passed by learned Additional

District and Sessions Judge-Xth -cum-Special Judge, SC/ST,

Patna in connection with Special Case No. 251 of 2020

registered for the offences punishable under Sections 341, 323,

325, 307, 365/34 of the Indian Penal Code and Section 3(11)(v)

of the Scheduled Castes and Scheduled Tribes Act and later on

Section 302 of the Indian Penal Code was added whereby and



whereunder his prayer for regular bail was rejected.

The prosecution case, in brief, is that some boys on gate no. 88 assaulted the brother of the informant namely, Ganesh Paswan resulting injury in his head. It is alleged that the accused persons including the appellant pushed the brother of the informant in the Nala and he is still traceless.

Learned counsel for the appellant submits that with respect to the alleged occurrence the appellant had lodged a case being Digha P.S. Case No. 256 of 2020 dated 09.05.2020. The present case has been lodged thereafter. There is a general and omnibus allegation against the accused persons and the dead body of the son of the informant was recovered from a water tank three days after the alleged occurrence.

Learned counsel submits that the co-accused similarly situated has been granted bail by a learned coordinate Bench of this Court in Cr. Appeal (SJ) No. 1311 of 2021. It is submitted that the appellant has remained in jail in connection with the present case since 20.08.2020, investigation against him is complete but the trial is not likely to be concluded in near future.

Mr. Binay Krishna, learned Special P.P. for the State has opposed the prayer for bail of the appellant. It is submitted



that so far as the present appellant is concerned, from his own statements made in Digba P.S. Case No. 256 of 2020 (Annexure '2') it would appear that this appellant was very much involved in the alleged occurrence. It is submitted that so far as the co-accused who have been granted bail by learned coordinate Bench and the learned court below are concerned they have been enlarged on bail after noticing that their names had come in course of investigation only.

Having regard to the facts and circumstances of the case wherein this Court has noticed that in Digba P.S. Case No. 256 of 2020 this appellant has alleged in the F.I.R. that 20-25 unknown persons had come near gate no. 89 on the bank of the river Ganga and they were involved in teasing of the ladies there whereupon the appellant and others reached there and then a scuffle took place in which the appellant claims to have suffered injury by sword, this Court having noticed that the appellant himself admits that he reached there and then his participation in the alleged occurrence is also apparent on his own case, in the said occurrence one person was killed, the name of the appellant has transpired in the case diary which has been noticed by the learned Sessions Judge, the informant has named this appellant in her statement, in the circumstances where the



appellant himself chose to indulge in the alleged occurrence in which the son of the informant has been killed, this Court is not inclined to interfere with the impugned order at this stage. The prayer for bail is, thus, refused.

Let the trial be expedited.

Considering the facts of the case, if the trial remains unconcluded for a period of nine months from the date of normal start functioning of the Court, the appellant may renew his prayer for bail.

(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'.

