

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2850 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- KATEYA District- Gopalganj

Aashu Giri, Son of Jitendra Giri, Resident of Village Mafi Guriyaw, Semaria,
P.S. Kateya, District Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Renu Kumari, D/o Late Prabhu Basfor, resident of village- Magha, P.S.-
Phulwaria, P.O.-Sripur, District-Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ashish Giri, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Lokesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 31-01-2022 Heard learned counsel for the appellant, learned Special P.P. for the State and learned counsel appearing on behalf of respondent no.2 through virtual court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of bail vide order dated 04.06.2021, passed by learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, Gopalganj in connection with Kateya P.S. Case No.83 of 2021, registered under Section 304 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The appellant has been made accused in this case on the basis of his confessional statement. It is further submitted that the



appellant has got no criminal antecedent as stated in para 3 of the memo of appeal. It is submitted that charge-sheet has been submitted in this case and charge has also been framed against the appellant. It is also submitted that the appellant is in custody since 02.03.2021.

Learned Special P.P. for the State and learned counsel appearing on behalf of respondent no.2 submitted that the witnesses mentioned in the impugned order have supported the prosecution case. The appellant has confessed his guilt in paragraph-35 of the case diary. On the disclosure made by the appellant, the mobile phone and *Gamchha* of the deceased have been recovered.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the appellant on bail. Accordingly, the prayer for bail of the appellant is rejected for the present.

The appeal is dismissed.

However, the learned court below is directed to expedite the trial of the appellant without being prejudiced from the order of this Court.

(Anjani Kumar Sharan, J.)

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