

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.353 of 2023

Arising Out of PS. Case No.-459 Year-2022 Thana- KATEYA District- Gopalganj

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Hemant Kumar Patel Son Of Binod Patel R/O Village - Badka Ameya, P.S.-
Kateya, District - Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramawati Devi Late Kameshwar Rajak R/O Village-Basant Chhapra, P.S.-
Mahammadpur, District-Gopalganj

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ranjeet Kumar Pandey
For the Informant/s	:	Mr. Anand Vardhan
		Ms. Shubhangi Pandey
For the Respondent/s	:	Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-07-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 09.12.2022 passed by learned Additional District Judge-III-cum-Special Judge, SC/ST, Gopalganj in connection with Kateya P.S. Case No. 459 of 2022 instituted for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

It is a case of commission of murder by all the



F.I.R named accused persons including the appellant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant is not the eye witness to the occurrence. There is no specific allegation against the appellant and the allegation is general and omnibus against all the F.I.R named accused persons. The family of the deceased and the appellant were very well known to each other and the deceased and the appellant were very close friends. The deceased stayed in the house of the appellant at night and after taking their dinner, they slept on the roof-top but in the night, the deceased woke up for urinal but unfortunately, he fell down from the roof-top and succumbed to the injuries. The appellant is languishing in custody since 14.10.2022. A statement has been made in para 3 of the petition is that appellant has no criminal antecedent.

In contra, learned counsel appearing on behalf of the informant and learned Special P.P appearing on



behalf of the State have vehemently opposed the prayer for bail of the appellant and submitted that appellant is named in the F.I.R. The appellant took the deceased to his house and from perusal of the case diary, it appears that dead body was found lying in the house of the appellant. There is also circumstantial evidence against the appellant and the postmortem report also corroborates the case of the prosecution.

Considering the facts aforesaid, this Court is not inclined to grant the privilege of bail to the appellant. The prayer for grant of bail to the appellant stands rejected.

Accordingly, the instant appeal is hereby dismissed.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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