

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1667 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

Pintu Paswan Son Of Late Lal Bahadur Paswan Resident Of Village - Jorar,
P.S. - Ramgarh, Distt. - Kaimur At Bhabua

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sukhan Ram Late Bagedu Ram Resident of Village-Karmhari, Mohania,
Ward No. 02, P.S.-Mohania, District - Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Parwej Khan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 21-09-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
28.11.2022 passed by learned Additional District &
Sessions Judge-XVII-cum-Special Judge, Rohtas at
Sasaram in connection with Sasaram (M) P.S. Case No.
94 of 2022 instituted for the offences punishable under
Sections 302, 201, 120(B), 406, 420 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 alleged that younger son of the informant was killed by some unknown miscreants and looted away the *Scorpio* vehicle.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R and his name subsequently sprang up on the confessional statement of co-accused Sonu Kumar @ Om Prakash Singh. During investigation, except confession of the co-accused against the appellant, no concrete material evidence was collected against the appellant to connect the appellant with the present offence. Nothing has been recovered from the conscious possession of the appellant. There is no eye witness to the occurrence. The appellant is languishing in custody since 28.11.2022. A statement has been made in para 3 of the petition that appellant has got no criminal antecedent.

In contra, learned Special P.P appearing on



behalf of the State has vehemently opposed the prayer for bail of the appellant and submitted that the appellant along with his associates, in a conspiracy, hired the *Scorpio* vehicle of the deceased. They proceeded ahead and in a lonely place, they committed murder of the driver(deceased) and fled away with his *Scorpio* vehicle. The accused persons thereafter contacted one Sagar Kumar for purchase of the vehicle but due to fear of police, he did not come and the accused persons due to fear of police, fled away, leaving the *Scorpio* vehicle. It is further submitted that mobile phone of the deceased was also recovered from the place where his dead body was found and when the call details report (CDR) of his mobile number was looked into, it was found that, he, soon before the occurrence, had conversation with this appellant on his mobile number. An invoice report of petrol pump was also recovered from the shirt pocket of the dead body and on inquiry, it was found that this appellant had made payment of the fuel. In CCTV



footage, the appellant Pintu Paswan was seen at the petrol pump along with the deceased. During investigation, co-accused Sonu Kumar @ Om Prakash Singh was arrested and his confessional statement was recorded in paragraph 135 of the case diary wherein he confessed his guilt and submitted that he along with co-accused Sagar Kumar, Rajnikant Kumar, Pramod Kumar and the appellant hired the *Scorpio* vehicle of the deceased and thereafter they fled away with that vehicle after killing the driver. He has specifically mentioned that the appellant and co-accused Pramod Singh were tethering the hands and feet of the driver(deceased) and when he protested, co-accused Pramod Singh caught hold of him and this appellant inflicted knife blows on his person. The victim died within seconds. Thereafter they threw out the dead body of the driver from the vehicle and fled away with that vehicle. The postmortem report also supports 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.

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

(Sunil Kumar Panwar, J)

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