

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2487 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- DARIYAPUR District- Saran

SADDAM HUSSAIN S/o- LATE ALI MOHAMAD Village- Thawe Chik
Tola Ps- Thawe Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nageshwar Ram son of Late Ram DAs Ram Village- Kasmar Ps- Sonpur
Dist- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-11-2023 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 23.12.2022 passed by learned 3rd Additional Sessions Judge-cum SC/ST Special Court, Saran at Chapra whereby the prayer for bail of the appellant in connection with Dariyapur P.S. Case no. 181 of 2022 under Sections 302, 120B and 34 of the Indian Penal Code and sections 3(2v) of SC/ST (Prevention of Atrocities Act) Act was rejected.

3. According to prosecution case, two miscreants intercepted the son of the informant while he was going to Bajahiya and snatched his goods and assaulted him with knife and fled from there. It is further alleged that the son of the informant died on the



way to the hospital.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant has no intention to disgrace the image of the informant in public view. The appellant is not named in FIR rather his name came during investigation on the basis of confessional statement of one co-accused Ravi Kumar. Nothing has been recovered from his conscious possession. Moreover, he is languishing in judicial custody since 17.04.2022.

5. The application for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that there is specific overt act against the appellant along with other co-accused person in committing murder of the informant's son. On the basis of his confessional statement, there has been recovery of knife along with some other things which were used in committing the murder of the informant's son. The bail application of other co-accused person has already been rejected by another co-ordinate Bench of this Court vide order dated 11.08.2023 in Cr. APP(SJ) No. 1691 of 2023. During investigation, witnesses supported the prosecution version.

6. Having heard learned counsel for the parties and taking into consideration the fact and the nature of offence. I do not find it appropriate to grant bail to the appellant and, as such, his prayer for bail stands rejected.



7. The appeal stands disposed off.

8. The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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