

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2936 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- SINGHWARA District- Darbhanga

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Bharat Kahar Son Of Mahendra Kahar Resident Of Singhwara Utari, Ps-
Singhwara, Dist- Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pankaj Kumar Das

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-12-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
18.04.2023 passed by learned 3rd Additional Sessions
Judge-cum-Exclusive Special Judge, SC/ST (POA) Act,
Darbhanga in connection with Singhwara P.S. Case No.
224 of 2022 instituted for the offences punishable under
Sections 302, 201, 34 of the Indian Penal Code. Later
on, charge-sheet has also been submitted under Sections
3(2)(v) of the SC/ST Act whereby his prayer for being
released on bail has been rejected.

The prosecution case in brief is that on
14.10.2022 in the night, the appellant came to the
house of the informant and took away informant's son



Lalan Kahar with him. Next morning, the dead body of the informant's son was found lying in a *Banswari* and blood was coming out from the left temple. The informant came to know that all the F.I.R named accused persons, along with some unknown persons took liquor in the house of co-accused Ranju Devi and in course of that a quarrel took place in which all the accused persons brutally assaulted the informant's son to death and after killing him, threw his dead body in the *Banswari*.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The informant is not the eye witness to the occurrence and merely on the basis of suspicion, the appellant has been implicated in this case. In fact, the son of the informant, after taking liquor, became unconscious and thereafter fell on hard surface and sustained injuries, due to which, he



died. The appellant himself belong to the SC community, hence, the provision under SC/ST Act would not be applicable in the case of the appellant. During investigation also, no consistent material evidence was collected against the appellant to connect him with the present case. The appellant is languishing in custody since 17.10.2022. 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 the appellant took the victim with him in the night from his house and thereafter, next day, his dead body was recovered with injuries which suggests that the appellant along with other accused persons might have killed the son of the informant. During investigation, the independent witnesses have supported the case of the informant and



the CDR of the appellant also suggests that on the alleged time and day, the appellant was in touch with other accused persons. The postmortem report also corroborates the case of the prosecution as against the appellant.

Considering the fact that there is strong suspicion against the appellant to involve in the murder of the son of the informant, 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, preferably within a period of nine months from today.

The appellant will be at liberty to renew his prayer for bail, if the trial is not concluded within nine months.

(Sunil Kumar Panwar, J)

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