

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4407 of 2022**

Arising Out of PS. Case No.-147 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

RAVI RANJAN YADAV @ KARI YADAV Son of Late Ram Babu Yadav
R/v- Tasmanpatti, P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. RAM PRAKASH PASWAN Son of Late Jamun Paswan R/v- Ghordaur,
P.O.- Chingari, P.S.- Tilleshwar O.P., District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjit Kumar Yadav

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 02-05-2023 Heard learned counsel for the appellant as well as
the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 07.11.2022 in connection with Kusheshwar Asthan P.S. Case No. 147 of 2020 registered for offence punishable under sections 363/365/34 of the Indian Penal Code and sections 3 (i) (r)/ 3 (i)(s) of the SC/ST (POA) Act, charge-sheet submitted under sections 364/302/120(B)/34 of the IPC and 3(2) (v) of SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.



Initially, the case was registered under Section 363 and 365/34 of the IPC, but when the dead body of kidnapped person was found, Section 302 of the IPC was added.

As per allegation, at 11 p.m., three accused persons, including the petitioner, entered the house of the informant and forcibly took away his son Bipin Paswan from his house. When the informant went to the house of the accused persons, grandfather of co-accused Praduman Yadav abused him by calling his caste name.

The learned counsel for the appellant has submitted that the informant claims himself to be an eye-witness. The occurrence is stated to have taken place at 11 p.m. and source of light in which he identified the accused persons, is not mentioned in the FIR. He has submitted further that the occurrence took place at 11 p.m night, but the FIR was lodged in 8 am morning. He has also submitted that no external injury has been found on the dead body of the deceased. He has next submitted that the grandfather of Praduman Yadav has been granted bail by a coordinate Bench of this Court in Criminal Appeal (SJ) No. 890 of 2021.

On the other hand, the learned special PP has opposed the prayer for bail and submitted that the accused persons,



before the eyes of father of the deceased kidnapped and committed murder of his son.

In my view, the appellant does not deserve the privileges of bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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