

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.304 of 2024

Arising Out of PS. Case No.-718 Year-2023 Thana- KOTWALI District- Patna

RAHUL KUMAR, aged about 29 years, s/o Shankar @ Shankar Prasad, r/o
Bijali Office, P.S.Sachivalaya, District Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Paswan, aged about 35 years, son of Late Ganesh Paswan, R/o
Mohalla-Mojahida, P.S.Mehsi, District East Champaran at Motihari, At
present residing at Jangli Gali, Daroga Rai Path, P.S. Kotwali, Patna

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

6 14-08-2024 Heard learned counsel for the parties.

2. The present appeal has been preferred on behalf of
the appellant against the order dated 15.12.2023, passed by the
learned Exclusive Special Judge (SC/ST), Patna in connection
with Kotwali P.S.Case No. 718 of 2023, registered for the
offences punishable under Section 302 of the Indian Penal Code
and Sections 3(2)(v) of SC/ST Act, whereby the prayer for bail
of the appellant has been rejected.

3. The informant is the brother of the deceased. As per
allegation, some altercation took place between the appellant
and the deceased. Thereafter, the appellant inflicted deadly brick
blows on the head of the deceased, as a result of which he
sustained grievous injuries. He was shifted to PMCH, Patna,
where he died in course of treatment.

4. The learned counsel for the appellant has submitted



that the provisions of SC/ST Act are not attracted as there is no material which shows that the case was lodged due to casteist slurs used by the accused. Further submission of the learned counsel is that there is no eye-witness to the occurrence.

5. On the other hand, the learned Special P.P. for the State opposed the prayer for bail and has submitted that there is specific allegation that due to previous altercation, the appellant inflicted deadly brick blows on the head of the deceased and the post mortem report also corroborates the allegation. It is also submitted that the witnesses in paragraph nos. 13 and 14 of the case diary have supported the occurrence, to which the learned counsel for the appellant submitted that the informant's side also come from SC/ST community.

6. As the medical evidence corroborates the allegation against the appellant, who is responsible for the lethal brick blows to the deceased, leading to his death, in my view, the appellant does not deserve the privilege of bail which his hereby rejected.

(Nawneet Kumar Pandey, J)

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