

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.783 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- GOGRI District- Khagaria

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SURAJ KUMAR S/O PRAMOD DAS R/O VILLAGE- SALIM NAGAR,
P.S.- MAHESHKHUNT, DISTT.- KHAGARIA.

... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR
- 2. ANITA DEVI W/O UGRES DAS R/O VILLAGE- SALIMNAGAR, WARD NO. 14, P.S- MAHESHKHUNT, DISTT.- KHAGARIA.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Mukesh Kumar, Advocate
	:	Mr. Ram Sumiran Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 30-08-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 25.11.2023 passed by learned Addl. Sessions Judge-1st cum Special Judge SC/ST Act, Khagaria whereby the prayer for bail of the appellant in connection with Gogri P.S. Case No. 379 of 2023 under Sections 302, 201, 120B of the Indian Penal Code and 3(2)(v) of SC/ST Act was rejected.



3. The prosecution case, in short, is that co-accused namely, Bittu Kumar came at the door of the informant and called her son for stage program and in the morning informant got information that two boys of the said party were killed and dead bodies were lying in Mirganj Baihar and on this information, informant went there and saw dead body of her son and also saw another dead body of Sharvan Muni.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel further submits that there is no eye-witness to the occurrence. The allegation against the appellant is general and omnibus in nature and also there is no motive assigned by the informant for the alleged occurrence. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 20.10.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



appellant. Learned counsel for the State, referring to paragraph no. 21 of the case diary has submitted that Indal Muni in his confessional statement has disclosed the involvement of this appellant in the alleged occurrence and the manner in which the accused persons including this appellant committed the murder of the deceased persons and this fact is further corroborated by the post-mortem report. Learned counsel for the informant further submits that the prayer for bail of the co-accused person has already been rejected by this Bench vide order dated 09.05.2024 passed in Criminal Appeal (SJ) No. 1155 of 2024. Learned counsel for the informant further submits that there is ample evidence against the appellant in the case diary which is further corroborated by the post-mortem report and therefore, learned counsel prays that the appellant may not be released on bail and the present appeal may be rejected.

6. Considering the aforesaid facts and circumstances of the case, there being involvement of the appellant in the crime and the present case being the case of double murder, this Court is not inclined to allow this appeal. Accordingly, the appeal stands **dismissed**.

7. The trial Court is directed to expedite the trial as expeditiously as possible, without any undue delay and



unnecessary adjournments.

(Rudra Prakash Mishra, J)

Alok Verma/-

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