

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1008 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- SHANKARPUR District- Madhepura

DILKHUSH KUMAR S/O RAMBILASH YADAV R/v- Kabiya, P.S.-
Shankerpur, district- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Paswan Son of Rambilash Yadav R/o vill- Bhirkhi ward no- 25, P.S.
Madhepura, Dist Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dinesh Prasad Verma
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 11-01-2024 Though notice has been issued to O.P. No. 2, no one has
turned to assist the Court.

2. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

3. The instant appeal has been filed by the appellant
against the order dated 13.12.2022 passed by learned Additional
Sessions Judge 1st -cum- Special Judge SC & ST, Madhepura in
SC/ST Nose No. 44 of 2022 whereby the prayer for bail of the
appellant in connection with Shankerpur P.S. Case no. 158 of 2022
under Sections 302, 201, 392/34 of the Indian Penal Code and
section 3, 2(V) of SC/ST (Prevention of Atrocities Act) Act was
rejected.

4. It is a case of commission of murder of informant's



brother, namely, Bishundeo Paswan. Motive behind the occurrence was robbery of new E-Rikshaw of which deceased was driver.

5. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. On the basis of call details of deceased mobile, co-accused Jiwach Kumar Yadav was arrested and in his confessional statement, name of appellant has appeared. No one is the eye witness of the alleged occurrence. No consistent evidence has come against the appellant. Informant is not the eye witness. The appellant has no intention to disgrace the image of the informant in public view. Appellant is languishing in judicial custody since 19.9.2022.

6. The application for bail is opposed by learned Spl. P.P. for the State and submitted that at the instance of the appellant, rope used in committing the murder of the deceased, was recovered from the cow-shed of the appellant, which is stated in para 76 of the case diary. In para 73 of the case diary, confessional statement of the appellant was recorded and he accepted his involvement in the present case. During witnesses, several witnesses have supported the prosecution story. Postmortem report is in consonance with the prosecution story and doctor opined cause of death due to cardio respiratory failure due to asphyxia caused by strangulation.

7. Having heard learned counsel for the parties and taking into consideration the fact that appellant is involved in commission of murder of the deceased, I do not find it appropriate to grant bail to



the appellant and, as such, his prayer for bail is rejected.

- 8. The appeal stands disposed off.
- 9. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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