

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1155 of 2024

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

Rajiv Das Son of Laddu Das Village- Govindpur Ps- Maheshkhunt Dist-
Khagaria

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Anita Devi wife of Urgesh Das Village- Salimnagar W.No-14, Ps-
Maheshkhunt, Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the O.P. No. 2	:	Mr. Mukesh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 09-05-2024 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 12-01-2024 passed by learned Additional
Sessions Judge 1st-cum-Special Judge, SC/ST Act, Khagaria
whereby the prayer for bail of the appellant in connection with
Gogri PS Case No. 379 of 2023 for the offence under Sections
302, 201 & 120(B) of the Indian Penal Code and Section 3(2)(v)
of SC/ST Act was rejected.

3. 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. It is alleged that appellant has taken money from son of the informant and when he demanded the amount, the alleged occurrence took place.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. It is submitted that appellant has no concern with the co-accused, namely, Bittu Kumar. It is next submitted that there is no eye witness to the 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 one 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. Referring to paragraph No. 21 of the case diary, it is submitted that Indal Muni in his confessional statement has confessed his guilt. Referring to paragraph No. 45 and 46 of the case diary, it is submitted that cause of death is due to hemorrhage and shock. It is next submitted that co-accused, including the appellant have taken together the deceased and after killing them, dead bodies were missing and dead bodies recovered from other place on next date.

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

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)

Raj Kishore/-

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