

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2602 of 2024**

Arising Out of PS. Case No.-388 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Pankaj Kumar @ Pankaj Paswan S/o Congres Paswan R/o Village-Hawaspur,  
P.S. Mansurchak, Distt-Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Shri Devi W/O Santosh Paswan R/O Mahthi, Tola-Jogiya, P.S. Bibhutipur, Distt-Samastipur

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Mirityunjay Kumar, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      23-08-2024                      Heard Mr. Mirityunjay Kumar, learned counsel for  
  
the appellant as well as Mr. Binay Krishna, learned Spl.P.P. for  
  
the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 02.05.2024 passed in ABP No. 578 of 2024 passed by the learned Special Judge SC/ST (POA) Act, Samastipur in connection with Bibhutipur P.S. Case No. 388 of 2022, F.I.R. dated 10.10.2022 registered under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Sections 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (POA) Act.

3. According to the prosecution case, all the accused



persons including this appellant have murdered the brother-in-law of the informant due to previous enmity.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that the name of the appellant has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Sikandar Paswan and the said Sikandar Paswan has been granted bail by this Court.

5. Learned Special Public Prosecutor for the State on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the appellant and submits that it appears from perusal of the statement of the co-accused, Sikandar Paswan which was recorded in paragraph no. 30 of the case diary that this appellant has assaulted the deceased by means of knife and the postmortem report also supports the allegation as alleged by the co-accused, Sikandar Paswan and apart from that the CDR location of the appellant was also found near the place of occurrence and he was in regular touch with the other accused persons.



6. Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail in connection with Bibhutipur P.S. Case No. 388 of 2022 pending in the court of learned Special Judge SC/ST (POA) Act, Samastipur.

7. Accordingly, the impugned order is affirmed and this appeal stands dismissed.

**(Rajesh Kumar Verma, J)**

Vanisha/-

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