

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2800 of 2024

Arising Out of PS. Case No.-224 Year-2022 Thana- SINGHWARA District- Darbhanga

Raju Mahto S/o Uma Kant Mahto R/o vill - Singhwara North, P.S. -
Singhwara, Distt.- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Budhan Kahar S/o Late Singheshwar Kahar R/o vill - Singhwara North, P.S.
- Singhwara, Distt. - Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Saroj Kumar, Advocate
For the State	:	Mr. Arun Kumar Singh, SPP
For the Informant	:	

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

ORAL ORDER

4 18-12-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. Notice issued to informant is validly served, despite which no one turned on his/her behalf.

2. The instant appeal has been filed by the appellant against the order dated 09-04-2024 passed by the learned Exclusive Judge SC/ST (PoA) Act, Darbhanga whereby the prayer for bail of the appellant in connection with Singhwara PS Case No. 224 of 2022 instituted under Sections 302, 201 & 34 of the Indian Penal Code (for brevity ‘the IPC’) and Sections 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that son of the informant went with one Bharat Kahar but till night he did not



return. Thereafter, a search was made by his family members and on the next day, his dead body was found in the bamboo bush. It is alleged that co-accused including the appellant assaulted his son leading to his death.

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. There is no specific allegation against the appellant. It is submitted that only on suspicion, the appellant has been made accused in this case. There is no eye witness to the occurrence. Nothing has been recovered from the possession of the appellant. 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 17-10-2022 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No.3 of the case diary, it is submitted that informant has supported the prosecution case in his re-



statement. Referring to paragraph No. 37, which is confessional statement of the appellant herein, it is submitted that appellant has confessed his guilt. It is next submitted that postmortem report also corroborates the allegation levelled in the FIR.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence and there being material against the appellant in the case diary, this Court, at this stage, is not inclined to allow the appeal. Appeal is accordingly *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)

Raj Kishore/-

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