

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3023 of 2023**

Arising Out of PS. Case No.-147 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

Praduman Yadav @ Praduman Kumar Yadav Son Of Late Shambhu Yadav
Resident Of Village - Tasmanpatti, P.S. - Kusheshwar Asthan, Distt. -
Darbhanga

... .. Appellant/S

Versus

1. The State Of Bihar
2. Ram Pragas Paswan Son Of Late Jamun Paswan Resident Of Village -
Ghordaur, P.S. - Tilkeshwar O.P., Distt. - Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Vaishnavi Singh
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 19-07-2024 Heard learned counsel for the appellant as well as the
learned Special Public Prosecutor for the State.

2. This appeal has been preferred on behalf of the
appellant under Section 14 (A) (2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting
aside the order dated 04.03.2023 in connection with
Kusheshwar Asthan P.S. Case No. 147 of 2020 registered for
offence punishable under Sections 363/365/34 of the Indian
Penal Code and sections 3 (i) (r)/ 3 (i)(s) of the SC/ST (POA)
Act, charge-sheet submitted under sections 364/302/120(B)/34
of the IPC and 3(2) (v) of SC/ST (POA) Act, whereby the prayer



for bail of the appellant has been rejected.

3. Initially, the case was registered under Section 363 and 365/34 of the IPC, but when the dead body of kidnapped person was found, Section 302 of the IPC was added.

4. As per allegation, at 11 p.m., three accused persons, including the petitioner, entered the house of the informant and forcibly took away his son Bipin Paswan from his house. When the informant went to the house of the accused persons, grandfather of co-accused Praduman Yadav abused him by calling his caste name.

5. The learned counsel for the appellant has submitted that the informant claims himself to be an eye-witness. The occurrence is stated to have taken place at 11 p.m. and source of light in which he identified the accused persons, is not mentioned in the FIR. She has submitted further that the occurrence took place at 11 p.m night, but the FIR was lodged in 8 am morning. She also submitted that no external injury has been found on the dead body of the deceased. The petitioner is in custody since 15.02.2023.

6. On the other hand, the learned Special P.P. has opposed the prayer for bail and submitted that the specific allegation against the appellant and other co-accused that they



took away the victim forcibly from his house and after two days his dead body was found near a river. He further submitted that from perusal of the Postmortem report, it appears that *ante-mortem* features were found on the body of the deceased.

7. Having heard learned counsel for the parties and considering the nature of allegation, the Court is not inclined to allow this appeal.

8. Accordingly, the appeal stands rejected.

(Nawneet Kumar Pandey, J)

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