

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3066 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- MAJHAULIA District- West Champaran

Aftab Ansari son of Ali Hasan Mian @ Alihasan Miyan Village- Kohadghar
Paras Pakadi W.No-1, Ps- Majhauria Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramawati Devi wife of Ramji Ram Village- Kohadghar W.No- 18, Ps-
Majhauria Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Usha Kumari 1, SPP
For the Informant	:	Mr. Akhileshwar Kumar Shrivastava, Advocate Mr. Amrit Kirti, Advocate

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

ORAL ORDER

3 05-12-2024 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant
against the order dated 22-05-2024 passed by 1st Additional
District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah,
West Champaran, whereby the prayer for bail of the appellant in
connection with Majhauria P.S. Case No. 111 of 2024 under
Sections 302, 120B & 34 of the IPC and Sections 3(2)(v) of
SC/ST Act was rejected.

3. Prosecution case, in short, is that son of the



informant had gone with the appellant. On the same day, his dead body was found in Paras Pakdi village.

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 eye witness to the occurrence. The present one is the case of last seen of the appellant with the deceased. It is submitted that no occurrence in the manner alleged in the FIR ever took place. It is next submitted that appellant was not seen even in the CCTV footage at the time of 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 16-02-2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that postmortem report corroborates the allegation levelled in the FIR. Witnesses have also supported the prosecution case, which find mentions at paragraph No. 36 of the case diary. It is submitted that present one is the case of



last seen and the onus lies on the appellant.

6. Considering the aforesaid facts and circumstances of the case, there being ample material available in the case diary against the appellant, this Court is not inclined to allow the appeal. Appeal is accordingly *dismissed*.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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