

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3255 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- KORHA District- Katihar

Md. Hasan @ Md. Hasan Arshad @ Hasan Arshad Son Of Hasan Saeed
Resident Of Village-Morsanda, Police Station-Falka, District-Katihar.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Manoj Kumar Son Of Late Raj Kumar Das Resident Of Village-Faridpur,
Das Tola, P.S.-Jamalpur, District-Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 12.06.2023 passed by learned A.D.J.-I-cum-Special Judge (SC/ST Act), Katihar, whereby the prayer for bail of the appellant in connection with Korha P.S. Case No. 49 of 2023 under Sections 302, 120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(va) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of killing the daughter of the informant.

4. It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case. There is general and omnibus allegation against the appellant. Except suspicion, there is no consistent evidence has come against him. He further submitted that the as alleged weapon recovered has not been examined by F.S.L. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. He is languishing in judicial custody since 28.02.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that appellant is named in the FIR. They submitted that from the perusal of the vide para-27 of the case diary, it appears that prior to this occurrence a complaint had also been registered in respect of torture and harassment against the appellant. They further submitted that the as alleged weapon, which was said to be used in the alleged crime, the same has been recovered from the possession of co-accused Twinkle Kumar Das at the instance of the appellant and the appellant has also confessed his guilt in vide para-117 of the case diary. Moreover, from the perusal of the Postmortem report of the deceased, it is apparent that the cause of death is hemorrhage and neurogenic shock caused by firearm injury, which



corroborates the prosecution case. During investigation, several witnesses have also supported the prosecution case.

6. Having heard learned counsel for the parties and considering the facts and circumstances of this case, this Court is not inclined to allow this appeal. Accordingly, the appeal stands rejected.

7. The trial Court is directed to expedite and conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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