

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3425 of 2024

Arising Out of PS. Case No.-255 Year-2024 Thana- OBRA District- Aurangabad

Keshwar Bhagat Son of Late Sri Bhagat R/V-Village-Obra, P.S.- Obra, Distt.-
Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Paswan Son of Late Ram Swaroop Ram R/O- Village- Obra,
P.S.- Obra, Distt.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukul Kumari, Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For Respondent No.2	:	Mrs. Leelawati Kumari, Advocate
	:	Mr. Aman Vishal Advocate

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

ORAL ORDER

4 24-10-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State, learned counsel for the

informant and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 03.07.2024 passed by Special Judge
(SC.ST)-cum-1st Addl. District and Sessions Judge, Aurangabad
whereby the prayer for bail of the appellant in connection with
Obra P.S. Case No. 255 of 2024 under Sections 302/34 of the
Indian Penal Code and 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act
was rejected.

3. The prosecution case, in short, is that, on the alleged



date and time, the informant saw that the accused persons including this appellant were dragging the dead body of the informant's father towards the river for disposing the same. It is further alleged that when the informant raised an alarm, several villagers gathered on the spot and in the meantime, the accused persons tried to run away from the spot but two of them were caught by the villagers and handed over to the police.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is no specific allegation against the appellant that he committed the murder of the informant's father. No incriminating article has been recovered from the conscious possession of the appellant. Learned counsel further submitted that except suspicion, there is no cogent material against this petitioner. 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 03.06.2024 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



appellant. Learned counsel for the informant further submitted that there is direct allegation against the appellant, which is evident from the FIR itself, that this appellant was caught by the informant dragging the dead body of the informant's father. Learned SPP also submitted that, police, after investigation submitted charge-sheet under Section 302, 120B of the Indian Penal Code. Learned counsel jointly submitted that there is ample evidence against the appellant that he, in connivance with the other accused persons committed the murder of the deceased and therefore, pray that he may not be released on bail.

6. Having considered the rival submissions canvassed on behalf of both the parties, and the material available in the case diary, this Court is not inclined to grant bail to the accused-appellant considering the nature and gravity of offence.

7. Prayer is rejected.

8. Learned trial Court is directed to expedite the trial and conclude the same without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Alok Verma/-

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