

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3474 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Prabhakar Paswan S/O Bottanath Paswan @ Boltanath Paswan R/O Village-
Sisahni, P.S- Pakaridayal, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sunita Devi W/O Jaya Kishore Paswan R/O Village- Sishani, Ward No. 15,
P.S- Pakridayal, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Yerra Madhavi, Adv.
For the State	:	Mr.Sadanand Paswan, SPP
For the O.P. No.2	:	Ms. Priyam Kumari, Adv.
		Mr. Ashutosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 27-09-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 05.06.2024 passed by learned Special Judge SC-ST Act, East Champaran, Motihari whereby the prayer for anticipatory bail of the appellant in connection with Pakaridayal P.S. Case No. 280 of 2023 under Sections 302, 307, 336, 201, 120(B)/34 of the I.P.C. Section 17/25 (g)/27 of the Arms Act and Sections 3(2)(va) of the SC/ST Act, was rejected.

3. As per prosecution case, the sons namely Gaurav Kumar and Govind Kumar of the Informant had gone to attend the marriage ceremony of the daughter of Akhilesh Paswan



where her son Govind was killed on account of firing and two other persons got injured. The accusation has been made against the present appellant of being involved in the killing of the deceased. It is also alleged that the appellant along with other co-accused persons helped in concealing the dead body of the deceased, wrapped with blanket in a field.

4. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence as alleged in the F.I.R. and has falsely been implicated in the present case due to village politics. He further submits that the nothing incriminating has been recovered from the conscious/physical possession of the appellant. The appellant was even not present at the place of occurrence. There is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. The occurrence took place on 13.12.2023 at 6.45 PM whereas the F.I.R. was lodged on 14.12.2023 at 12.30 PM without any plausible explanation for such delay which creates doubt in the prosecution case. There is no eye-witness to the alleged occurrence. He further submits that the appellant belongs to SC/ST community and the Informant is also a member of SC/ST community and, as such, Section 3 of the SC/ST Act is not applicable in the present case. Similar co-accused persons have been granted bail by this Court vide order dated 20.06.2024



passed in Cr. Appeal (S.J.) No. 1169 of 2024. The appellant has one criminal antecedent in which he is on bail as has been stated in Para-3 of the present appeal.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged against the appellant is serious in nature. He further submits that there is specific allegation of firing against the present appellant as well as co-accused Bhoolar Shah @ Amit.

6. Having heard learned counsel for the parties, this Court finds that there is specific and direct allegation of firing against the present appellant as also of concealing the dead body of the deceased, wrapped with blanket in a field.

7. Accordingly, considering the nature and gravity of the offence as also there being direct allegation of firing against the appellant, this Court is not inclined to grant bail to the appellant.

8. The appeal stands dismissed.

(Rudra Prakash Mishra, J)

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