

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3795 of 2024

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

Munna Chaudhary Son of Late Lakshman Chaudhary R/O Village - Obra, P.S.
- Obra, District- 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, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukul Kumari, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	None

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

ORAL ORDER

3 20-12-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Perused the case diary. None appears on behalf of the informant despite notices being validly served upon him.

2. The instant appeal has been filed by the appellant against the order dated 09.07.2024 passed by learned Special Judge, SC/ST Act-cum-1st Additional 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. Allegation against the appellant is that he along with



other co-accused persons committed the murder of the informant's father.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submits that there is no specific allegation against the appellant, rather the nature of allegation is general and omnibus in nature. No incriminating article/weapon has been recovered from the conscious possession of the appellant. Learned counsel further submits that informant is not the eye-witness to the 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 03.06.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that appellant is named in the FIR and there is specific allegation against the appellant that he in connivance with other accused persons committed the murder of the deceased. Learned SPP for the State, therefore, prays that appellant may not be released on



bail.

6. Considering the aforesaid facts and circumstances of the case as also the active participation of the appellant in the commission of murder of the deceased, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the present appeal is dismissed.

(Rudra Prakash Mishra, J)

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