

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3973 of 2024

Arising Out of PS. Case No.-90 Year-2021 Thana- SARMERA District- Nalanda

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Jitu Paswan Son of Govind Paswan R/O Vill.- Singhaul Kajichak, P.S.- Sarmera, Dist.- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Basanti Paswan Son of Late Yadu Paswan R/O Vill.- Kajichak, P.S.- Sarmera, Dist.- Nalanda.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Satya Prakash, Adv.
For the Respondent/s : Mr.Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 19-11-2024 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 17.05.2024. passed by learned Additional Sessions Judge-VI cum Special Judge SC & ST (POA) Act, Bihar Sharif, Nalanda whereby the prayer for bail of the appellant in connection with Sarmera P.S. Case No. 90 of 2021 under Sections 302/201/34 of the Indian Penal Code and Sections 3(2) (iv) of the SC & ST (POA) Act, was rejected.

3. As per prosecution case, the accusation against the appellant is that he along with other co-accused has committed



murder of son of the Informant.

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. Charge-sheet has been submitted in this case merely on the basis of suspicion. The appellant is not named in the F.I.R. rather his name has surfaced in this case in course of investigation and then was arrested and his confession was recorded before the police. He further submits that up till now, five witnesses have been examined and four out of five has fairly stated that they have not seen the appellant committing murder of the Informant's son. There is no eye-witness to the alleged occurrence and, except confessional statement of the appellant before the police, there is nothing against the appellant to connect the appellant with the alleged occurrence. Learned counsel for the appellant further submits that the appellant himself belongs to the Scheduled Caste Community and, as such, the provision of Section SC & ST against the appellant is not made out. The appellant is in custody since 14.05.2021 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 submits that all the charge-sheeted witnesses have been examined and the case is fixed for argument. The I.O. after investigation has submitted charge-sheet against the appellant under Sections 302, 201/34 of the I.P.C. and Section 3(2)(v) of the SC & ST Act.

6. Considering the aforesaid facts and circumstances of the case and the fact that all the charge-sheeted witnesses have examined and the case is fixed for hearing, this Court is not inclined to grant bail to the appellant at this stage.

7. Accordingly, the prayer for bail of the appellant is hereby rejected.

8. The appeal stands rejected.

(Rudra Prakash Mishra, J)

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