

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4427 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- KOTWA District- East Champaran

Alok Paswan Son Of Furdeli Paswan @ Fudaili Paswan Resident Of Village -
Jasauli Patti, Ward No.09, P.O. And P.S. - Kotwa, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Anish Paswan Son of Sadhu Paswan Resident of Village - Jasauli Patti,
Ward No.04, P.O. And P.S. - Kotwa, District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pravin Kumar, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, SPP
		Mr. Rahul Singh, Adv.
		Mr. Roop Kishan, Adv.

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

ORAL ORDER

4 21-03-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 24.08.2023 passed by learned Special
Judge SC/ST Act, East Champaran, Motihari whereby the
prayer for bail of the appellant in connection with Kotwa P.S.
Case No. 219 of 2023 under Sections 341, 323, 324, 302, 504,
506/34 of the I.P.C. and Section 3(i)(r)(s), 32(va) SC/ST Act,
Act was rejected.

3. The allegation against the appellant is of



committing murder of the deceased namely Rupam Paswan by dagger.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Charge has also been framed in this case. There is no eye-witness to the occurrence. No case under Section 87 of the SC/ST Act is attracted as the appellant himself belong from SC/ST community. The appellant is in custody since 09.06.2023 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 stating that the appellant is named in the F.I.R. and there is a specific allegation against the appellant of committing murder of the deceased. Postmortem report also supports the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as also there being specific accusation against the appellant of killing the deceased, this Court is not inclined to grant bail to the appellant at this stage.

7. Accordingly, the appeal stands dismissed.

8. The court below to directed to expedite the trial and



conclude the same expeditiously preferably within a period of twelve months from today.

9. If the trial is not concluded within the aforesaid period of twelve months, the appellant will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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