

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.91 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- RUPAULI District- Purnia

Arbind Sharma Son of Late Munni Sharma R/o vill - Sadhopur, P.S. - Rupouli
(Mohanpur), Distt. - Purnia, Bihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pratap Sharma Son of Late Mahendra Sharma R/o vill - Sadhopur, P.S. -
Rupouli, Distt. - Purnia, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shashank Shekhar Sinha, Advocate
For the Informant	:	Mr.Bijendra Kumar Singh, Advocate
	:	Mr.Kumar Dhananjay Singh, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, SPP

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

ORAL ORDER

3 16-05-2024 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 09.11.2023 passed by learned Special
Judge, SC/ST Act, Purnia whereby the prayer for bail of the
appellant in connection with Rupouli P.S. Case No. 172 of 2023
under Sections 364, 302, 201, 324, 379, 120B of the Indian
Penal Code and Sections 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that on
16.06.2023, two unknown persons came on a motorcycle and



took away the son of the informant. On 19.06.2023, the dead body of informant's son was found with towel on his neck and several cuts on his entire body. It is further alleged that two mobile phones, chain and Rs. 7,300/- were snatched by them.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to local village politics. Charge-sheet has been submitted in this case. The name of the appellant has transpired on the basis of suspicion. Learned counsel further referring to para-7 of the bail petition submitted that as a matter of fact, the deceased went to the *maika* of Kanchan Devi (his cousin's wife) as he was having affection with her and when the *devar* of Kanchan Devi saw the deceased in *maika* of Kanchan Devi, he did not like the same. Learned counsel for the appellant further submitted 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 is in custody since 30.08.2023 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. Learned counsel for the informant further referring to para-5, 9, 10, 14, 57 and 80 of the case diary submitted that there



is ample material against this appellant that he was actively involved in the alleged offence and the reason behind such occurrence is that there was love affair between the deceased and the appellant's daughter. Learned counsel for the informant further submitted that in the post-mortem report the injuries sustained by the deceased are found to be grievous in nature and caused by sharp edged and hard blunt weapons and the death has been caused due to haemorrhage and shock due to above noted injuries. Learned counsel, therefore, submitted that considering the active participation of the appellant in the brutal murder of the deceased, the appellant may not be enlarged on bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence and active participation of this appellant in the alleged offence, this Court is not inclined to grant bail to the appellant.

7. The appeal is dismissed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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