

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.165 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- KOCHADHAMAN District- Kishanganj

Mohan Lal Chaupal son of Late Aghori Lal Chaupal village- Burhimari Ward
no. 14 @ Budhimari, Ward no. 14, Ps- Kochadhaman, Dist- Kishanganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakshmi Devi wife of Late Satish Lal Chaupal village- Burhimari Ward no.
14, Ps- Kochadhaman, Dist- Kishanganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alok Kumar Alok, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Rajeev Ranjan, Advocate

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

ORAL ORDER

3 27-03-2025 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 17.12.2024 passed by District and
Additional Sessions Judge-1st-cum-Special Judge, Kishanganj
whereby the prayer for bail of the appellant in connection with
Kochadhaman P.S. Case No. 239 of 2024 under Sections 103(1),
238, 61(2), 3(5) of the BNS and 3(i)(r), 3(2)(v) of SC/ST Act
was rejected.

3. The prosecution case, in short, is that the unknown
accused persons committed the murder of the informant's



husband by slitting his neck with sharp weapon.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Appellant is not named in the F.I.R. The name of the appellant has transpired on the basis of confessional statement of co-accused co-accused Karan Kumar Chaupal. Learned counsel further submits that the mobile phone which was recovered from the place of occurrence does not belong to the appellant. No incriminating article has been recovered from the conscious possession of the appellant. 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 09.11.2024 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 SPP further submitted that as per paragraph nos. 37, 38, 39 and 40 of the case diary, the last call on the mobile phone of the deceased was made by the mobile number which belongs to the son of this appellant and also the appellant



has confessed his guilt and has disclosed the manner in which he committed the murder of the deceased which is corroborated by the post-mortem report. Learned SPP for the State and learned counsel for the informant jointly prayed that appellant may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, there being ample material against the appellant available in the case diary supported by the medical evidence, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the present appeal is dismissed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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