

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.735 of 2025

Arising Out of PS. Case No.-141 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Sabid Ali @ Md. Sabid Ali S/o- Md. Islam Moh- Driver Tola Ps- Katihar N
Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Paswan S/o- Late Gorelal Paswan Village- Driver Tola Ps- Katihar N
Dist- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Ashok Kumar Sinha, Advocate

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

ORAL ORDER

3 03-07-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 19.11.2024 passed by learned District and Additional Sessions Judge-I-cum-Special Judge SC/ST, Katihar whereby the prayer for bail of the appellant in connection with Nagar P.S. Case No. 141 of 2024 under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act in which Charge-sheet has been submitted under Sections 302, 120(B)/34 of the Indian Penal Code, Sections 3(2)(v) of SC/ST Act, Sections 25(1-B)(a), 26, 27 and



35 of the Arms Act was rejected.

3. Prosecution case, in short, is that, informant's son was shot dead and one accused was caught. It is further alleged that a conspiracy for murder was hatched by the appellant along with other co-accused persons through hired killers.

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. Learned counsel for the appellant also submits that the appellant is known to the informant and thus, it is admitted, as per the FIR that there is no allegation of firing on the son of the informant. It is further submitted that name of the appellant has transpired in this case on the basis of confessional statement of co-accused, namely, Alok Pradhan and the same has got no evidentiary value. 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 24.05.2024 and has got three criminal antecedents in which he is on bail.

5. Learned Special P.P. for the State and the informant



have vehemently opposed the prayer for grant of bail to the appellant and submits that the allegation upon the appellant that he participated in the murder of the deceased along with other co-accused persons. From perusal of confessional statement of co-accused persons, it appears that the appellant along with other co-accused persons conspired amongst themselves to get the deceased. From perusal of paragraph nos. 124 and 143 of the case diary, it appears that the appellant along with others were performing as liner. All the witnesses have supported the case of prosecution. Hence, the appellant does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence, this Court is not inclined to grant bail to the appellant at this juncture.

7. Accordingly, the appeal stands dismissed. The trial Court is directed to expedite the trial. However, if the trial is not concluded within a period of nine months from the date of receipt/production, the appellant will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

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