

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.833 of 2025

Arising Out of PS. Case No.-280 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Prabhakar Paswan S/O Bottanath Paswan @ Boltanath Paswan Resident of
Vilage - Sisahni, P.S- Pakaridayal, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar

2. Sunita Devi W/O Jaya Kishore Paswan Resident of Vilage - Sisahni Ward
no.- 05, P.S- Pakaridayal, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Yerra Madhavi, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Ms. Priyam Kumari, Advocate

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

ORAL ORDER

4 16-09-2025 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 06.12.2024 passed by learned Special
Judge SC-ST Act, East Champaran, Motihari whereby the prayer
for bail of the appellant in connection with Pakaridayal P.S. Case



No. 280 of 2023 under Sections 302, 307, 336, 201, 120(B)/34 of the I.P.C., Section 17/25 (A)/27 of the Arms Act and Sections 3(2)(va) of the SC/ST Act, was rejected.

3. Earlier, vide order dated 27.09.2024 passed in Cr. Appeal (SJ) No. 3474 of 2024, the prayer for grant of anticipatory bail to the appellant was rejected by this Court.

4. As per prosecution case, the sons namely Gaurav Kumar and Govind Kumar of the Informant had gone to attend the marriage ceremony of the daughter of Akhilesh Paswan where her son Govind was killed on account of firing and two other persons got injured. The accusation has been made against the present appellant of being involved in the killing of the deceased. It is also alleged that the appellant along with other co-accused persons helped in concealing the dead body of the deceased, wrapped with blanket in a field.

5. 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 due to village politics. He further submits that the nothing incriminating has been recovered from the conscious/physical possession of the appellant. The appellant was even not present at the place of occurrence. There is no direct or specific allegation of any overt act against the appellant rather the same is general



and omnibus in nature. The occurrence took place on 13.12.2023 at 6.45 PM whereas the F.I.R. was lodged on 14.12.2023 at 12.30 PM without any plausible explanation for such delay which creates doubt in the prosecution case. There is no eye-witness to the alleged occurrence. He further submits that the appellant belongs to SC/ST community and the Informant is also a member of SC/ST community and, as such, Section 3 of the SC/ST Act is not applicable in the present case. Similar co-accused persons have been granted bail by this Court vide order dated 20.06.2024 passed in Cr. Appeal (S.J.) No. 1169 of 2024. The appellant is in custody since 13.11.2024 and has one criminal antecedent.

6. 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 offence alleged against the appellant is serious in nature. Learned SPP further submits that there is specific allegation of firing against the present appellant as well as co-accused Bhoolar Shah @ Amit. Learned counsel for the informant further submits that the post-mortem report also supports the allegation as levelled in the FIR.

7. Having heard learned counsel for the parties, this Court finds that there is specific and direct allegation of firing against the present appellant upon the deceased, this Court is not inclined to grant bail to the appellant.



8. The appeal stands dismissed.

(Rudra Prakash Mishra, J)

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