

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1273 of 2025

Arising Out of PS. Case No.-267 Year-2024 Thana- SAKRA District- Muzaffarpur

Dinesh Kumar @ Dinesh Mahto Son Of Suresh Mahto Resident Of Village-
Meerapur, Ps -Sakra, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahesri Devi wife of Late Shivji Ram village- Pilkhi Tole, Ward no. 6,
Jurawan patte, Ps- Sakra, Dist- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anirudh Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

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

ORAL ORDER

3 15-05-2025 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 10-01-2025 passed by learned Special

Judge, SC/ST (PoA) Act, Muzaffarpur whereby the prayer for

bail of the appellant in connection with Sakra PS Case No. 267

of 2024 instituted under Sections 302 & 201 of the Indian Penal

Code and Sections 3(2)(va) & 3(5) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 16.05.2024,

one Shivji Ram left home after receiving a call and did not

return; the next morning, his dead body was found in a bush



near Jahagirpur, Bankatve, suggesting it was moved from another location.

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. Appellant is not named in the FIR. The name of the appellant has transpired on the basis of confessional statement of co-accused, namely, Manoj Kumar, who has allegedly confessed that he along with his associates including the appellant committed murder of Shivji Ram. No specific role is assigned to the appellant in the alleged occurrence, which falsifies the prosecution version. Nothing incriminating has been recovered from the 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 04-07-2024 and has one criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner. Other witnesses have supported the prosecution case,



which fact is mentioned at paragraph Nos. 6, 7 & 8 of the case diary. As per postmortem report, cause of death is asphyxia as a result of pressure over neck. Charge sheet is submitted in this case. It is fervently submitted that appellant has confessed his guilt.

6. Considering the aforesaid facts and circumstances of the case, there being enough material on record to show the complicity of the appellant in the alleged occurrence, this Court is not inclined to allow the appeal. Appeal is, accordingly, *dismissed*.

7. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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