

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3840 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- CHANDRAMANDI District- Jamui

1. Kumar Bijoy Raj @ Bijoy Kumar S/O Shri Devnarayan Singh R/O Village and P.O- Balhampur, P.S- Simri Bakhityarpur, Distt.- Saharsa, Presently Teacher, Adarsh Middle School, Chakai, Presently residing in the house of Janardan Yadav as Tenant, Chakai- Giridih Road, P.S- Chakai, Dist.t- Jamui.
2. Sanjay Kumar S/O Janardan Singh R/O Village- Bhorha, P.S- Simri Bakhtiyarpur, Distt.- Saharsa, Presently, Teacher, Khash Chakai School, Chakai, Residing in the house of Suro Rai as Tenant, Chakai, P.S- Chakai, Distt.- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Fulwa Devi W/O Kailash Das (Retired Sikshak) R/O Village- Petarpahadi, P.S- Chakai, Distt.- Jamui, Presently residing at Motimahal, P.S- Chakai, Distt.- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Mishra, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Pankaj Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 18-01-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant and perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 20.07.2024 passed by learned Additional Sessions Judge-I, Jamui whereby the prayer for bail of the appellants in connection with Chandramandih(Chandramandi) P.S. Case No. 88 of 2024 under Sections 302, 120B, 201 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the



SC/ST Act was rejected.

3. The accusation against the accused persons including the appellants is of committing the murder of the informant's son after hatching conspiracy.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. Learned counsel further submits that there is no eye-witness to the occurrence and the appellants have been implicated in this case merely on the basis of suspicion. Learned counsel further submits that appellants are government servants working as teachers and the allegation levelled against them are false and concocted. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 06.06.2024 and have 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 appellants. Learned SPP further submitted that as per paragraph no. 21 of the case diary, the appellant namely Bijoy Kumar has confessed his guilt and stated the he along with other accused



persons committed the murder of the informant's son by strangulating his neck. Learned SPP further submitted that even post-mortem report supports the confessional statement of appellant no. 1 namely Bijoy Kumar as the death of the deceased has been caused as a result of asphyxia due to strangulation. Learned SPP and learned counsel for the informant, therefore, pray that the appellants may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, confessional statement of the appellant no.1 namely Bijoy Kumar which is supported by the medical evidence as also the involvement of the appellant no.2 cannot be ruled out as per the material available in the case diary and also taking into account the gravity of offence, this Court is not inclined to grant bail to the appellants.

7. Accordingly, the appeal is dismissed.

8. Learned court below is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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