

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3890 of 2024

Arising Out of PS. Case No.-220 Year-2023 Thana- BHAGWANPUR District- Begusarai

Azad Paswan S/o- Late Ganesh Paswan Resident of Naula Ward No 03, P.S-
Bhagwanpur, Dist- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate

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

ORAL ORDER

5 28-01-2025 Heard learned counsel for the appellant, 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 appellant against the order dated 19.07.2024 passed by learned Exclusive Special Judge SC/ST (POA) Act, Begusarai, whereby the prayer for bail of the appellant in connection with Bhagwanpur P.S. Case No. 220 of 2023, under Sections 302, 326(A)/34 of the Indian Penal Code and Section 3(2)(v) of SC/ST (POA) Act was rejected.

3. Prosecution case, in short, is that, the appellant along with other co-accused persons have committed murder of



the husband of the informant by assaulting him and poured acid on his body.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant also submits that there is delay of three days in lodging the FIR. The appellant and informant are next door neighbours and due to land dispute, the appellant has been falsely implicated in this case. 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 20.06.2024 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. It is also submitted that on perusal of the case diary, it appears that there is specific allegation against the petitioner that he along with other co-accused persons have committed murder of the husband of the informant with acid. As per paragraph nos. 8, 9, 81, 82 and 83 of the case diary, it appears that, witnesses including independent witness have fully



supported the case of prosecution. As per postmortem report of the deceased mentioned at paragraph no. 29 of the case diary, it appears that, cause of death was due to asphyxia and neurogenic shock as a result of acid burn of above mentioned parts of the body and also stomach.

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 expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

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