

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4116 of 2024

Arising Out of PS. Case No.-164 Year-2024 Thana- KHUSRUPUR District- Patna

Rahul Raj Son of Dharmveer Singh @ Dharmveer Yadav Resident of Village
- Jaggu Bigha, P.S. - Fatuha, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pintu Singh Son of Kapil Singh Resident of Village - Dudhni Tola,
Baikatpur, P.S. - Khushrupur, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Radhe Shyam, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

4 28-01-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary.

2. In compliance of order dated 09.01.2025 jointness
affidavit has been filed.

3. Jointness affidavit is accepted.

4. The instant appeal has been filed by the appellant
against the order dated 13.08.2024 passed by learned Exclusive
Special Judge, SC/ST, Patna, whereby the prayer for bail of the
appellant in connection with Khushrupur P.S. Case No. 164 of
2024, under Sections 364, 302, 201, 411, 379, 120(B) of the
Indian Penal Code and Sections 3(1)(r)/3(2)(v) of SC/ST Act
was rejected.



5. Prosecution case, in short, is that, on 25.04.2024, a truck bearing registration no. BR-01-GA5978 loaded with white steel sheet left for Rohit Agency Bhagalpur from BMW M/S, thereafter informant came to know that on 27.04.2024 the truck has not yet reached at destination and mobile number of said truck driver was also switched off.

6. 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 not named in the FIR. Name of the appellant has transpired on the basis of CDR report and also on the basis of confessional statement of co-accused persons and the same has got no evidentiary value. Neither any incriminating material nor any stolen article 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 19.05.2024 and has got no criminal antecedent.



7. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant and submitted that name of the appellant has transpired in this case on the basis of confessional statement made by co-accused persons and later on the appellant has confessed his guilt that he was involved in the commission of the murder of the deceased. Hence, the appellant does not deserve the privilege of bail.

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

9. Accordingly, the appeal stands dismissed. The trial Court is directed to expedite the trial expeditiously.

(Rudra Prakash Mishra, J)

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