

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4185 of 2024

Arising Out of PS. Case No.-848 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Md. Azad S/o- Md. Manzur Alam @ Md. Anzoor Alam Village-Sadpur, P.S-
Sahebpur Kamal, Dist.-Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Md. Mahtab Khan Son of Md. Manzur Khan Resident of Village- Usiya,
P.S.- Dildarnagar, Distt.- Gazipur (U.P.)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jawed Gaffar Khan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Ashok Kumar Sinha, Advocate

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

ORAL ORDER

7 19-06-2025 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 passed by 22-04-2024 whereby the

prayer for bail of the appellant in connection with Nathnagar PS

Case No. 848 of 2023 instituted under Sections 302, 201 & 34

of the Indian Penal Code (for short 'IPC') and Section 3(2)(v) of

SC/ST Act was rejected.

3. Prosecution case, in short, is that police received

information on 15/10/2023 at about 7:00 A.M. regarding a

woman's dead body near S.R. School. Upon reaching the spot,



he found the woman's neck and both hands tied with a white dupatta. Multiple injuries were also found on her body during inspection.

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. Name of the appellant has surfaced in this case during course of investigation. There is no eye witness to the occurrence. It is submitted that there is no cogent material against 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 24-11-2023 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 petitioner. It is submitted that appellant has confessed his guilt in his confessional statement, which fact is mentioned in paragraph No. 76 of the case diary. During investigation, it is also revealed that appellant was in relationship with the



deceased and that it is the appellant who had made calls to the deceased on the date of occurrence. Postmortem report also corroborates as the case of death is asphyxia and shock due to ante-mortem throttling.

6. Considering the aforesaid facts and circumstances of the case, taking into account the confessional statement of the appellant, wherein he has confessed his guilt coupled with the fact that postmortem report also corroborates, 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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