

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4428 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- MOHANPUR District- Samastipur

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1. Mithlesh Kumar S/o Subindra Rai R/o vill - Jalalpur, ward no. 7, P.S. - Mohanpur, Distt. - Samastipur
 2. Surendra Rai @ Jatu Rai @ Surendra Ray S/o Late Nagdeo Rai R/o vill - Jalalpur, ward no. 7, P.S. - Mohanpur, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Amod Chaudhary S/o Nagendra Chaudhary R/o vill - Nawada Khurd, P.S. - Ganga Bridge, Distt. - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 29-01-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellants against the order dated 14-08-2024 passed by Special Judge, SC/ST (PoA) Act, Samastipur whereby the prayer for bail of the appellant in connection with Mohanpur PS Case No. 68 of 2024 instituted under Sections 302, 201/34 of the Indian Penal Code & Section 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that On June 18, 2024, at around 8:00 A.M., the informant's son, Sunny Kumar, went to



fetch mangoes but did not return by 11:00 A.M., and his phone was found switched off. Despite extensive searches, he remained missing, and the informant learnt that Sunny was in a relationship with one Rani Kumari. On June 21, 2024, the informant was informed about a dead body found in the Diyara area under Mohanpur Police Station. Upon reaching Sadar Hospital, Samastipur, he identified the body as his son's and alleged that the accused, along with co-accused, conspired and murdered him due to their opposition to his relationship.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellants submits that informant claimed that said dead body was of his son, which he received from Sadar Hospital, Samastipur and his funeral ceremony was performed by the informant but after lapse of several days, the informant's son was recovered at Ganga Bridge by the police and statement under Section 164 of the Cr.P.C. was recorded and only to save his skin, the Mohanpur police propounded a false story and forcibly took signature of the accused persons on blank paper. It is next submitted that the real fact was that appellant No.1's brother namely, Kanchan Rai was missing and



taking advantage of missing Kanchan Rai the Mohanpur Police created a false story and falsely implicated the appellants. 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 him. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 03-07-2024 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 stating that the informant alleged that his son Sunny Kumar was murdered by the co-accused owing to love affair of his son with the daughter of co-accused but as per the case diary, later on the informant's son was recovered. However, during investigation it was found that one Kanchan Ray was missing and it was found during investigation that appellants namely Mithilesh Kumar and Surendra Ray committed murder of Kanchan Ray who was brother of accused Mithilesh Ray due to the fact that Kanchan Ray used to torture his family members under effect of intoxication. The appellants admitted their involvement in the occurrence in the confessional statement



given before police, which fact finds mention at paragraph No. 96 of the case diary.

6. In compliance of order dated 19-12-2024, a counter affidavit has been filed in this case, which is kept on record, wherein categorical disclosure of the appellants involvement in the commission of murder has been made.

7. Considering the aforesaid facts and circumstances of the case, there being involvement of the appellants in the commission of the offence, this Court is not inclined to allow the appeal. Accordingly, the appeal is *dismissed*.

8. However, appellants would be at liberty to renew their prayer for bail if the trial is not concluded within a period of six months.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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