

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4601 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- DANDARI District- Begusarai

Bambam Choudhary S/o- Arjun Chaudhari ward no 1 Mehan Menhan Ps -
Dandari, Dist- Begusarai

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Madan Tanti Son of Late Ramotar Tanti ward no 1 Mehan Menhan Ps -
Dandari, Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. S.K. Lal, Sr. Advocate
Mr. Pritish Kumar Lal, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP
For the Informant : Mr. Sandip Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

5 27-03-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 01.08.2024 passed by learned Exclusive
Special Judge, SC/ST (POA) Act, Begusarai whereby the prayer
for bail of the appellant in connection with Dandari P.S. Case
No. 35 of 2024 under Sections 302/34 of the Indian Penal Code
read with Sections 3(1)(r)(s) and 3(2)(v) of SC/ST Act was
rejected.

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



of the informant by administering him poison.

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. Learned counsel for the appellant also submits that the allegation levelled against the appellant is general and omnibus in nature. No specific allegation has been attributed against the appellant. It is next submitted that there is no any eye witness of the said occurrence. 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 16.04.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the appellant and submitted that there is specific allegation against the appellant along with other co-accused persons of committing murder of the deceased by administering him poison. As per paragraph nos. 4, 5, 12, 57 and 58 of the case diary, it appears that re-statement of the informant



and witnesses have supported the prosecution case. It is further submitted that FSL report also corroborates with the FIR. Hence, the appellant does not deserve the privilege of bail.

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)

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