

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4715 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- KHAJAULI District- Madhubani

Krishan Kumar Thakur @ Krishna Kumar Thakur Son of Birendra Kumar Thakur R/O Vill.- Baira, P.S.- Jaynagar, Dist.- Madhubani.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Motilal Safi Son of Sri Fakir Safi R/O Vil.- Chatra, Gobroura North, P.S.- Khajauli, Dist.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Bimal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 03-03-2025 Heard learned counsel for the appellant, 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 appellant against the order dated 27.08.2024 passed by learned Additional Sessions Judge I Madhubani whereby the prayer for bail of the appellant in connection with Khajauli P.S. Case No. 55 of 2024, G.R. No. 695 of 2024 under Sections 365 of the IPC and later on Section 302, 364, 201, 120B of the Indian Penal Code and Sections 3(2)(v), 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, son of the



informant was last seen with the accused including the appellant. It is further alleged that next day, the appellant and others gave unclear responses about his whereabouts.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is no eye-witness to the occurrence. The name of the appellant has transpired on the basis of disclosure made by the local villager that the son of the informant was last seen with the present appellant. Learned counsel further submitted that except confessional statement of the co-accused Dipendra Kumar Choudhary, there is no material against the appellant and the confessional statement recorded before the police has no evidentiary value in the eye of law. 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 11.04.2024 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, stating that as per the confessional statement of the



co-accused, this appellant was present at the place of occurrence and even from perusal of the FIR it appears that the informant's son was last seen with the accused persons including the appellant and, therefore, the involvement of the appellant in hatching the conspiracy to commit the murder of the deceased cannot be ruled out, and therefore, the appellant does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case, involvement of the appellant in hatching the conspiracy for commission of murder of the informant's son, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the appeal stands dismissed.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

