

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4648 of 2024

Arising Out of PS. Case No.-348 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Munna Chaudhary @ Ajay Choudhary Son of Indradeo Chaudhary Resident of Vill.- Bansopali Tola, Chapana at present Mahadeva Mission, P.S.- Mahadeva O.P., Dist.- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Son of Late Nawal Kumar Ram Resident of Mohalla- Mahadeva Mission, P.S.- Mahadeva O.P., Dist.- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rama Kant Sharma, Sr. Advocate Dr. Umashankar Prasad, Sr. Advocate Mr. Kamala Kant Tiwary, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Sheoji Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 18-01-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 28.08.2024 passed by learned Court of Additional Sessions Judge-1st Class-cum-Special Judge, Siwan, whereby the prayer for bail of the appellant in connection with Siwan Muffasil P.S. Case No. 348 of 2024, under Sections 302/34 of the Indian Penal Code, Section 27 of Arms Act and Sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was rejected.



3. Prosecution case, in short, is that, three persons followed the brother of the informant on a motorcycle, shot him telling that “being a person of Scheduled Caste how had he dared to take *panga* against a man like the appellant and not abiding him.” Later on the informant brought his brother to the hospital where the doctors declared him as dead.

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 petitioner also submits that three unknown persons shot the brother of the informant and name of the appellant has has been dragged in this case as being conspirator of the murder of the deceased. The name of the appellant has transpired on the basis of confessional statement of co-accused, namely, Saurabh Yadav and Anil Kumar and the same has got no evidentiary value. The appellant was not present at the place of 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 20.06.2024 and



has got nine criminal antecedents in which he is acquitted in two cases.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. It is also submitted that the co-accused persons namely, Saurabh Yadav and Anil Kumar Yadav have confessed in paragraph nos. 72 and 73 of the case diary and intentionally accepted the involvement of the appellant in the alleged crime and also stated that the appellant had hatched a conspiracy to kill the deceased and gave money to co-accused Jitendra Yadav. There is specific allegation against the appellant of hatching conspiracy against the murder of the deceased. Hence, the appellant does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and there being specific allegation against the appellant of hatching criminal conspiracy, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the appeal is dismissed.

(Rudra Prakash Mishra, J)

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