

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4945 of 2024**

Arising Out of PS. Case No.-164 Year-2024 Thana- KHUSRUPUR District- Patna

Pankaj Kumar Son of Bhagwan Rai Resident of Mohalla - Ward - 7
Bhagwanpur, P.S. - Bachhwara, District - Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Pintu Singh Son of Kapil Singh Resident of Dudhani Tola, Baikatpur, P.S. -
Khusrupur, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Rupa Kumari, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

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

ORAL ORDER

4 09-07-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 30.08.2024 passed by Exclusive Special Judge SC/ST Act, Civil Court(Sadar) Patna whereby the prayer for bail of the appellant in connection with Special SC/ST Case No. 204 of 2024 (Serial No. 259 of 2024), arising out of Khusrupur P.S. Case No. 164 of 2024 under Sections 379 of IPC and later on charge-sheet submitted under Sections 364, 302, 201, 411, 379, 120B of the IPC and Section 3(1)(r), 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, on



25.04.2024, a truck bearing Registration No. BR-01-GA5978 loaded with white steel sheet left for Rohit Agency Bhagalpur from BMW M/S, thereafter informant came to know that on 27.04.2024 the truck has not reached the destination and mobile number of the said truck driver was also switched off.

4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. appellant is not named in the F.I.R. The name of the appellant has transpired on the basis of confessional statement of the co-accused. It is further submitted that co-accused namely, Rahul Raj, Gaurav Kumar and Raj Kumar have confessed their guilt and narrated the manner in which they committed the murder of the driver of the truck in question. Learned counsel further submitted that, as a matter of fact, the appellant had purchased the mobile from one Vikash Kumar which belonged to the deceased but the appellant had no knowledge that the said mobile belonged to the deceased. Learned counsel for the appellant further submitted 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 07.05.2024 and



has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that the mobile phone of the deceased was recovered from the possession of the appellant. He further submitted that appellant has himself confessed his guilt and has disclosed his active participation in the alleged occurrence. It is further submitted that even as per CDR, it is evident that this appellant was in touch with the other accused person over mobile phone. The prayer for grant of bail of a co-accused person has already been rejected by this Court vide order dated 28.01.2025 passed in Cr. Appeal (SJ) No. 4544 of 2024. Learned APP, therefore, prays that appellant does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case, material available in the case diary as also the nature and gravity of offence, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the present appeal is dismissed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

