

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5412 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- VIDYAPATINAGAR District- Samastipur

Arjun Pasawan Son of Kusheshwar Paswan @ Bisheshwar Paswan Village
-Bochaha Ps -Mohiunagar, District -Samstipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajab Ram son of Late Muneshwar Ram Village -Khesraha, Ward no. 12, ps-
Vidyapati Nagar, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Lakshmindra Kumar Yadav, Advocate Mr. Prabhu Narayan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Dilip Kumar Roy, Advocate Mrs. Rekha Ranjan Prasad, Advocate

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

ORAL ORDER

415-05-2025

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 29.06.2024 passed by Learned Court of Special Judge SC/ST (POA) Act, Samastipur whereby the prayer for bail of the appellant in connection with Vidyapati Nagar P.S. Case No. 55 of 2024 under Sections 302, 328, 201/34 of the Indian Penal Code, read with Sections 3(1)(r)(s)(w) and 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, dead body of



informant's daughter was found in a field, bleeding and covered with a cloth. The informant alleged murder and reported missing articles of the deceased.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Learned counsel for the appellant also submits that the appellant is not named in the FIR. Name of the appellant has transpired in this case on the basis of suspicion. The appellant was having friendship with the deceased and they used to talk on mobile even and used to meet. 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 12.04.2024 and has got 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 and submits that specific allegation has been attributed against the appellant. It is next submitted that both the mobile phone of the deceased has been recovered near the house of the appellant. The appellant is sole accused in this case. As per



C.D.R., tower location and C.A.F. of the mobile phone of the deceased, it was found that the deceased was in constant touch with the appellant. 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 and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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