

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5717 of 2024**

Arising Out of PS. Case No.-141 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Chhotu Paswan S/O Late Nawal Kishor Paswan Resident of village - Driver Tola, P.S- Katihar Town, District - Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Paswan S/O Late Gore Lal Paswan Resident of village - Driver Tola, P.S- Katihar Town, District - Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Ashok Kumar Sinha, Advocate

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

ORAL ORDER

5 03-07-2025 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. Earlier anticipatory bail of the petitioner was rejected vide order dated 07.08.2024 passed in Cr. Misc. No. 37713 of 2024 (Annexure- 1).

3. The instant appeal has been filed by the appellant against the order dated 20.11.2024 passed by learned District and Sessions Judge-I Katihar-cum-Special Judge SC and ST Act, Katihar whereby the prayer for bail of the appellant in



connection with Katihar Town P.S. Case No. 141 of 2024 under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act in which Charge-sheet has been submitted under Sections 302, 120(B)/34 of the Indian Penal Code, Sections 3(2)(v) of SC/ST Act, Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act was rejected.

4. Prosecution case, in short, is that, informant's son was shot dead and one accused was caught. It is further alleged that a conspiracy for murder was hatched by the appellant along with other co-accused persons through hired killers.

5. 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 appellant has not participated in the alleged occurrence. There is no trail of money amounting to Rs. 5,00,000/- from the side of the appellant and it is the statement of other co-accused persons and the same has got no evidentiary value. It is further submitted that due to previous enmity the informant has implicated the appellant falsely in this case. 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 28.08.2024 and has got no criminal antecedent.

6. 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 the appellant is involved in the occurrence. During course of investigation, it transpired that the appellant had deleted the CCTV footage of 05.03.2024 and 06.03.2024 and the occurrence is alleged to have committed on 06.03.2024. It is also submitted that CCTV footage prior to 05.03.2024 and after 06.03.2024 is there which amply demonstrate that purposely the CCTV footage was deleted for some ulterior reason. It is also submitted that during investigation it also transpired that co-accused, Ranjit Mallick was acting as a liner and the appellant had talked to the co-accused seven times on 04.03.2024. It is further submitted that co-accused, Alok Pradhan has also confessed that the appellant had given the greed of Rs. 5,00,000/- for committing murder of the deceased. The witnesses have supported the case of prosecution. Hence, the appellant does not deserve the privilege of bail.



7. 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.

8. Accordingly, the appeal stands dismissed. The trial Court is directed to expedite the trial. However, if the trial is not concluded within a period of nine months from the date of receipt/production, the appellant will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

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