

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5729 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- MANSAHI District- Katihar

Kamal Kishore Nirala @ Kamal Kumar Nirala S/O Late Yogendranath Jha
R/O Vill.- Mansahi Hat, P.S.- Mansahi, District- Katihar

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Ranjo Devi W/O Vishnu Mandal R/O Vill.- Seize no.8, Dilarpur, P.S.-
Manihari, Dist.- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anshul Raj, Sr. Advocate
Mrs. Aditi Sharma, Advocate
For the Respondent/s : Mr. Usha Kumari 1, SPP
For the Informant : Mr. Rohit Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

3 27-03-2025 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 18.11.2024 passed by learned Additional
District and Sessions Judge-I-cum-Special Judge SC/ST,
Katihar, whereby the prayer for bail of the appellant in
connection with Katihar Mansahi P.S. Case No. 97 of 2024
under Sections 103(1), 238, 3(5) of the Bharatiya Nyaya
Sanhita, 2023 read with Sections 3(i)(r)(s) and 3(2)(va) of
SC/ST (POA) Act was rejected.



3. Prosecution case, in short, is that, son of the informant was found dead in his school which was informed by the Director of that school to the informant. Informant and her family members rushed to the school and saw that her son was lying dead on bed.

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 appellant also submits that the allegation levelled against the appellant is general and omnibus in nature. No specific allegation has been attributed against the appellant. It is next submitted that the appellant is Director of that school and he himself informed the informant about the said occurrence. Specific allegation is levelled against co-accused, namely, Md. Raja who used to torture the son of the informant. 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 07.09.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and learned



counsel for the informant have vehemently opposed the prayer for grant of bail to the appellant and submitted that specific allegation of murder is against the appellant. It is submitted that co-accused, Md. Raja has levelled specific allegation against the appellant and has stated that the appellant angrily beaten the deceased as he lost Rs. 200/- which was provided to him to buy some goods from the market. 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 expeditiously.

(Rudra Prakash Mishra, J)

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