

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.8 of 2025

Arising Out of PS. Case No.-267 Year-2024 Thana- SAKRA District- Muzaffarpur

Raushan Kumar S/O Achchhelal Ram Resident of Village- Mirapur, PS- Sakra, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahesri Devi W/O Late Shivji Ram Resident of Village- Juravan Patti, PS- Sakra, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Bhushan Prasad, Adv.

For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 19-06-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 28.11.2024 passed by learned Special Judge, SC/ST (PoA) Act, Muzaffarpur whereby the prayer for bail of the appellant in connection with Sakra PS Case No. 267 of 2024 instituted under Sections 302 & 201 of the Indian Penal Code and Sections 3(2)(v) of SC/ST (PoA) Act was rejected.

3. Prosecution case, in short, is that on 16.05.2024, one Shivji Ram left home after receiving a call and did not return; the next morning, his dead body was found in a bush



near Jahagirpur, Bankatve, suggesting it was moved from another location.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He submits that from the F.I.R., it appears that the date of occurrence is 16.05.2024 and the dead body was recovered on 17.05.2024 but, the written application to the police station was given on 19.05.2024 which creates doubt in the prosecution case. There is no eye witness to the alleged occurrence. From the F.I.R., it appears that the husband of the informant had received call from the mobile no. 8809424233 which does not belong to the appellant. The name of the appellant has transpired on the basis of confessional statement of co-accused, namely, Manoj Kumar, who has allegedly confessed that he along with his associates including the appellant committed murder of Shivji Ram. The confessional statement of the co-accused Manoj Kumar which was recorded before the police has no evidentiary value in the eye of law. No specific role is assigned to the appellant in the alleged occurrence, which falsifies the prosecution version. Nothing incriminating has been recovered from the possession of the appellant. 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 04-07-2024 and has one criminal antecedent. Charge-sheet has been submitted in this case.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Other witnesses have supported the prosecution case, which fact is mentioned at paragraph Nos. 6, 7 & 8 of the case diary. As per postmortem report, cause of death is asphyxia as a result of pressure over neck. Charge sheet is submitted in this case. It is fervently submitted that appellant has confessed his guilt. He further submits that the prayer for bail of the co-accused Dinesh Kumar has already been rejected by this Court vide order dated 15.05.2025 passed in Cr. Appeal (SJ) No. 1273 of 2025.

6. Considering the aforesaid facts and circumstances of the case, there being enough material on record to show the complicity of the appellant in the alleged occurrence, this Court is not inclined to allow the appeal. Appeal is, accordingly, dismissed.

7. The Trial Court is directed to expedite the trial as



expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

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