

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.384 of 2022**

Arising Out of PS. Case No.-420 Year-2020 Thana- WAJIRGANJ District- Gaya

Sanjay Prasad, S/o Ram Chandra Prasad, R/o village- Rudai, P.S.- Wazirganj,  
District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Appellant/s      | : | Mr. Alok Kumar Alok, Advocate   |
|                          |   | Mr. Ajay Kumar Sinha, Advocate  |
| For the Respondent/s     | : | Mr. Sadanand Paswan, Spl. P.P.  |
| For the Respondent No.2: |   | Mr. Kamal Kumar Sinha, Advocate |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

6      25-08-2022                      Learned counsel for the appellant is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel appearing on behalf of the appellant, Mr. Kamal Kumar Sinha, learned counsel appearing for informant and learned Spl. PP for the State.

The present appeal under Section 14-A (2) of the Schedule Caste/Schedule Tribe, Prevention of Atrocities Act, (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 30.11.2020 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Wazirganj P.S. case no. 420 of 2020 registered for the offences



punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (POA) Act whereby the prayer for grant of regular bail of the appellant has been rejected.

As per prosecution case, it is alleged that on 28.08.2020, at about 6.00 PM., all the F.I.R. named accused persons including the appellant came into the house of the informant and abused his son by taking his caste name and also threatened with dire consequences, thereafter they have taken away the son of the informant and later on after two days, the dead body of the son of the informant was recovered from a well.

Learned counsel appearing on behalf of the appellant submits that there is no eye witness to the alleged occurrence and save and except the suspicion, there is no cogent material suggesting the complicity of the appellant in the present crime. It is further submitted that only because of the fact that the daughter of the appellant had love affair and when it was protested by the family of the appellant, the name of the appellant has been implicated in this case. It is next submitted that the occurrence took place on 28.08.2020, however, the present F.I.R. has been instituted on 30.08.2020. It is next



submitted that save and except the daughter-in-law of the informant, there is no other witness, who have stated that the boy was taken away by the appellant and his family members and moreover the post-mortem report also does not support the prosecution case that he was done to death by causing any assault, inasmuch as no injury has been found over the body of the deceased. It is lastly submitted that the appellant, having fair antecedent, is in custody since 01.11.2021.

On the other hand, learned counsel for informant vehemently opposes the bail application and submits that the daughter-in-laws of the informant has categorically stated that it is the appellant and his family members, who took away the son of the informant and thereafter his dead body has been recovered from the well. He also submits that from the post-mortem report, it is evident that the cause of death is injury sustained over the head of the deceased and the report further suggests that the death was taken place within 36-72 hours, which shows that the death had taken place on 28.08.2020 itself, the day on which the deceased was forcibly taken away by the petitioner and others.

Learned Spl. P.P. also opposes the bail application.

Having regard to the submissions made on behalf of



the parties and considering the materials available on record suggesting the fact that the deceased was taken away by the appellant and his family members and soon thereafter he was done to death, this Court is not persuaded to enlarge the appellant on bail. However, the appellant would be at liberty to renew his prayer for bail after framing of charge.

With the aforesaid liberty, this appeal stands dismissed.

**(Harish Kumar, J)**

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