

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3187 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

OM PRAKASH SINGH @ SONU KUMAR S/o Sri Vijendra Prasad Singh
R/o village- Basuhara, P.S.- Sasaram Mufassil, District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sukhan Ram S/o Late Bagedu Ram R/o village- Rasulpur Karamhari,
Mohania Ward No. 02, P.S.- Mohania, District- Kaimur (Bhabua)

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3626 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

PRAMOD SINGH Son of Vijay Narayan Singh Resident of Village -
Khanethi, P.S.- Ramgarh, District - Kaimur at Bhabhua.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sukhan Ram Son of Late Bagedu Ram Resident of Village - Rasulpur,
Karmhari, Mohania, P.S.- Mohania, District - Kaimur at Bhabhua.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3187 of 2022)

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur Mr. Ajay Kumar Tiwari Ms. Vaishnavi Singh
For the State	:	Mr. Sadanand Paswan
For the O.P. No. 2	:	Mr. Ramakant Ram

(In CRIMINAL APPEAL (SJ) No. 3626 of 2022)

For the Appellant/s	:	Mr. Sudhir Kumar Singh Mr. Bandana Singh
For the State	:	Mr. Sadanand Paswan
For the O.P. No. 2	:	Mr. Ramakant Ram

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL JUDGMENT

Date : 29-04-2023



The learned counsel for the appellants are directed to remove all the defects pointed out by the office within one month.

I have already heard both the parties in Cr. Appeal (SJ) No. 3187 of 2022 on 12.04.2023 and Cr. Appeal (SJ) No.3626 of 2022 on 13.04.2023. These two Criminal Appeals arise out of the same police station case, as such, they are taken together for disposal.

These appeals have been preferred on behalf of the appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the orders dated 17.08.2022 and 07.09.2022 passed by the learned Additional District and Sessions Judge-17-cum-Special Judge SC/ST, Rohtas at Sasaram in connection with Sasaram Muffasil (Karbandiya O.P.) P.S. Case No. 94 of 2022, registered for offence punishable under sections 302, 201, 120(B), 406, 420 of the Indian Penal Code and section 3 (2) (v) of the SC/ST (POA) Act, whereby the prayer for bail of the appellants has been rejected.

As per allegation, Raushan Kumar (the deceased) was driver of a *Scorpio* vehicle. He used to ply the commercial vehicle on hire. As per allegation, on the ill-fated day at about



8:30 A.M, Raushan Kumar went to Sasaram with unknown persons, who had hired his vehicle. At about 3:00 P.M., the elder son of the informant talked with Raushan Kumar. Raushan Kumar asked his brother that he will call back after a short while because someone was calling him. Thereafter, Raushan Kumar called his father (the informant) and asked him to refill fast tag wallet. Later on, the informant tried to contact his son, but he was unable. Later on, a video clip became viral, in which his son was shown in a pool of blood. Thereafter, he contacted the police and identified the photograph of his son.

The learned counsel for the appellants have submitted that the appellants are innocent. Nothing was recovered from their possession and their names have figured in the self inculpatory confessional statement of appellant Om Prakash Singh @ Sonu Kumar and except the confessional statement, there is nothing against them in the entire materials collected during the course of investigation. They have submitted further that the appellants are the persons of clean antecedents and even in CCTV footage, they were not seen. It has also been submitted that provisions of SC/ST Act are not applicable.

On the other hand, the learned APP has opposed the



prayer for bail and submitted that the appellants along with their associates, in a deep conspiracy, hired the *Scorpio* vehicle of the deceased. They proceeded ahead and in a lonely place, they committed murder of the driver (deceased) and fled away with his *Scorpio* vehicle. When these accused persons contacted one Sagar Kumar, who was also in that conspiracy and he, as per pre-planning, had earlier agreed to purchase that *Scorpio* vehicle, but due to fear of police, Sagar Kumar did not come to receive that *Scorpio* vehicle.

The learned APP has submitted further that it has come during the course of investigation that due to fear of police, the accused persons fled away leaving that *Scorpio* vehicle, which was seized by the police. He has also submitted that the mobile phone of the deceased was also recovered from the place where his dead body was found. When the call details report (CDR) of his mobile number was looked into, it was found that he, soon before the occurrence, had conversation with one co-accused Pintu Paswan on his mobile number. An invoice receipt of petrol pump was also recovered from the shirt pocket of the dead body. It was inquired and thereafter, it was found that the payment for fuel was made by co-accused Pintu Paswan. In CCTV footage, that Pintu Paswan was seen at the



petrol pump along with the deceased. He has next submitted that the appellant Sonu Kumar @ Om Prakash Singh was arrested and his self inculpatory confessional statement was recorded in paragraph 135 of the case diary. He has confessed his guilt and furnished the vivid description of the entire occurrence. He has stated that he, along with co-accused Pintu Paswan, Sagar Kumar, Rajnikant Kumar and appellant Pramod Kumar hired the *Scorpio* vehicle of the deceased and thereafter, they fled away with that vehicle after killing the driver. He has specifically mentioned that the appellant Pramod Singh and co-accused Pintu Paswan were tethering the hands and feet of the driver (deceased), and when he protested, the appellant Pramod Singh caught hold of him and co-accused Pintu Paswan inflicted knife blows on his person. The driver died within seconds. Thereafter, the accused persons threw out the dead body of the driver from the vehicle and they fled away with that vehicle.

The materials collected during the course of investigation shows that the appellants, in a deep conspiracy along with other accused persons, murdered the driver of the *Scorpio* vehicle.

I do not think it to be an appropriate case for grant of bail, which is hereby rejected.



Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	12 & 13/04/23
Uploading Date	01.05.2023
Transmission Date	01.05.2023

