

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.928 of 2024**

Arising Out of PS. Case No.-87 Year-2023 Thana- MALI District- Aurangabad

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SUSHIL KUMAR @ SUSHIL SINGH @ SUSHIL KUMAR SINGH S/O  
RAMADHAR SINGH R/O VILLAGE- TONA, P.S- MALI, DISTT.-  
AURANGABAD.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. SARSWATI DEVI W/O VINAY PRASAD R/O VILLAGE- SINDURIA  
TOLA GOTI DIH, P.S- MALI, DISTT.- AURANGABAD.

... .. Respondent/s

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**Appearance :**

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|---------------------|---|--------------------------------|
| For the Appellant/s | : | Mr. Anil Kumar Singh, Adv.     |
| For the informant   | : | Mr. Birendra Kumar Singh, Adv. |
| For the State       | : | Mr. Binay Krishna, Spl.PP      |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

6      01-08-2024                      Heard learned counsel for the appellant, learned  
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 against the rejection of prayer of bail of  
the appellant vide order dated 15.12.2023 passed by the learned  
Special Judge SC/ST-cum- 1<sup>st</sup> Additional District & Sessions  
Judge, Aurangabad in B.P. No. 1353 of 2023 arising out of Mali  
P.S. Case No. 87 of 2023 dated 08.09.2023 registered for the  
alleged offences punishable under Sections 341, 323, 324, 302  
read with Section 34 of the Indian Penal Code and and Sections



3(i)(r)(s)/ 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, when the informant's husband was irrigating his land, in the meantime, the appellant and the co-accused persons forbade him to irrigate the land and abused him by calling his caste name. On being requested by the informant for irrigating his land, the co-accused, Ramadhar Singh and Ankush Kumar caught hold of him and the appellant, Sushil Singh killed the informant's husband by slitting his neck with a knife. Further, the informant and his son were also present at their field then the accused persons assaulted them due to which they fled away.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that due to local village politics, the informant has named the appellant as a main assailant in the alleged occurrence. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 15.09.2023. The appellant has two criminal



antecedents as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that the specific allegation of committing murder of the informant's husband by slitting his neck with a knife. As per the post-mortem report of the deceased, cause of death due to stab injury damage to muscle and blood vessels-haemorrhage-shock-cardio pulmonary arrest.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 15.12.2023 passed by the learned Special Judge SC/ST-cum- 1<sup>st</sup> Additional District & Sessions Judge, Aurangabad in connection with Mali P.S. Case No. 87 of 2023 and accordingly, the prayer for bail of the appellant is rejected.

**(Chandra Prakash Singh, J)**

Gautam/-

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