

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.971 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- MAJORGANJ District- Sitamarhi

Ambuj Kumar, aged about 22 years, Male, Son of Bachcha Prasad Yadav @
Bacha Prasad Ray, Resident of Village- Belwa Parari, P.S.- Majorganj, Distt-
Sitamarhi.

... .. Appellant

Versus

1. The State of Bihar.
2. Arvind Kumar Mehta, Son of Late Chhotelal Mehta, Resident of Village-
Belwaparari, P.S.- Majorganj, Dist- Sitamarhi.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

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

ORAL ORDER

3 02-05-2024 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 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 (hereinafter in short referred to as the
‘SC/ST Act’) against the refusal for prayer of bail of the
appellant vide order dated 17.01.2024, passed by the learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST (POA)
Act, Sitamarhi, in connection with Majorganj P.S. Case No. 209
of 2023 registered for the offences punishable under Sections
302, 307, 120B/34 of the I.P.C., Section 27 of the Arms Act and



Sections 3(r)(s) of the SC/ST (POA) Act.

3. The prosecution case, in brief, is that fifteen days ago, the co-accused persons including the appellant came to the shop of the informant's elder brother and threatened to kill him. On 24.07.2023, the informant heard hullah that his brother has been shot dead. The informant ran to the shop and found his brother smeared with blood due to firearms injuries on his head and stomach. Another person in the shop, Ram Pukar Paswan also sustained firearms injury, who disclosed that three miscreants on a bike, who had covered their faces, came to his shop, one of the miscreant who fired on the informant's brother was unveiled and he was identified as the appellant. The informant's brother was declared dead in the hospital. It is further alleged that the appellant alongwith the co-accused persons and unknown persons under a conspiracy murdered the informant's brother and injured Ram Pukar Paswan.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is submitted that the informant is not an eye witness to the alleged occurrence as he was not present at the place of occurrence. The postmortem report also does not corroborate the allegation as



made in the F.I.R. It is further submitted that as per the F.I.R. earlier the appellant and the co-accused persons gave threatening to the deceased with dire consequences but no case was lodged by the deceased or his family members in this regard and after the occurrence, a concocted story has been developed to lodge the present case against the appellant and his entire family members. The appellant has been made accused in the present case on the basis of the disclosure made by one of the injured Ram Pukar Paswan. It is further submitted that both parties are co-villagers. The appellant is in custody since 19.12.2023. The appellant has one criminal antecedent which is under Excise Act as stated in paragraph no. 3 of the memo of appeal. There is no castiest remark alleged against the appellant. Hence, no offence under the SC/ST Act is made out against the appellant.

5. Learned Spl. P.P. for the State and the respondent no. 2 have opposed the prayer for bail of the appellant. It is further submitted by learned counsel for the respondent no. 2 that there is direct allegation of firing on the informant's brother causing his death.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the



learned A.P.P. for the State as well as learned counsel for the respondent no. 2, this Court is not inclined to set aside the impugned order dated 17.01.2024, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Majorganj P.S. Case No. 209 of 2023 and accordingly, prayer for bail of the appellant is rejected.

7. Learned court below is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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