

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1141 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- SALIMPUR District- Patna

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Utpal Kant Kumar @ Golu Kumar Son of Gagan Singh Resident of Village-
Bidhipur, P.S.-Saalimpur, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bachhi Devi W/o-Late Rohan Ravidas Resident of Village-Bidhipur, P.S.-
Saalimpur, District-Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Saroj Sharma, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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

ORAL ORDER

3 05-07-2024 Heard learned counsel for the appellant and learned

counsel for the respondent no. 2 as well as learned Special

Public Prosecutor 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 for bail vide
order dated 19.10.2023 passed by the learned Special Court,
SC/ST (POA) Act, Patna in Serial Case No. 317 of 2023 arising
out of Salimpur P.S. Case No. 187 of 2023 dated 23.08.2023
registered for the offence/s punishable u/ss 364, 365, 506, 34 of
the Indian Penal Code read with Sections 3(1)(r)(s) / 3(2) (va) of
the SC/ST (PoA) Act and later added Sections 302 and 201 of
the I.P.C.

3. As per the prosecution case, the appellant along

with the co-accused persons are alleged to have kidnapped the informant's grandson with intention to kill.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 26.08.2023.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant and submitted that the dead body was recovered from the *Ganga* river. The co-accused who has already granted bail by this Court is not named in the F.I.R. The petitioner is named in the F.I.R. who along with the co-accused persons kidnapped and killed the informant's grand son.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the appellant, I am not inclined to enlarge the appellant on bail.

7. Learned trial Court is directed to expedite the trial and conclude the same at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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