

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1836 of 2024

Arising Out of PS. Case No.-475 Year-2023 Thana- ROSERA District- Samastipur

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Aman Kumar @ Aman Kumar Poddar Son Of Raj Kumar Poddar Resident Of
Village - Ratanpur, Ward No. 21, (Ratanpur Chowk), P.S. - Town, (Ratanpur
O.P.), District - Begusarai

... .. Appellant/s

Versus

1. The State Of Bihar
2. Geeta Devi Wife Of Santosh Paswan Resident Of Village - Kankar, Post -
Rahiyar Konchi, Panchayat, Rahiyar, South, P.S. - Hathauri (Shiwaji Nagar
O.P.), District - Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 02-08-2024 Heard learned counsel for the appellant and

learned Special P.P. for the State.

2. The appellant has preferred the present

appeal under Section 14A(2) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989

(hereinafter referred to as the “SC/ST Act”) against the refusal

of prayer for bail vide order dated 24.02.2024 passed by the

learned Special Judge SC/ST (POA) Act, Samastipur in

connection with Rosera P.S. Case No.475 of 2023 registered

under Sections 302 and 120(B)/34 of Indian Penal Code and

Section 27 of the Arms Act as also Sections 3(i)(r)(s), 3(2)(va)



of the SC/ST (Prevention of Atrocities Act).

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. The allegation against the appellant is to have committed murder of the husband of the informant, by the petitioner along with other co-accused persons.

5. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. It is submitted that there is general and omnibus allegation against the appellant and during course of investigation, some named accused persons already chargesheet before the Special Court.

6. Learned Special P.P. for the State opposes the prayer for bail of the appellant and submits that the appellant has two criminal antecedents in the same nature of offence.

7. On perusal of the first information report, case diary and impugned order dated 24.02.2024, it appears from the FIR on 17.07.2023, the victim was recovered and Ram Kumar Paswan was sent to judicial custody and on 11.08.2023 the informant's husband along with Rajiv Paswan went to Rosera Court to enquire about the case of Ram Kumar Paswan and when the husband of the informant was returning from



Rosera Court, then he was murdered at Mahasir Char. In para 31 of the case diary, the police received information that co-accused Purshottam Chaudhary was also involved in committing the murder of the husband of the informant. In para-38 of the case diary, it appears that the the petitioner had fired gun shot at the husband of the informant due to which he killed. According to the postmortem report, the husband of the informant died due to haemorrhage, shock and cardio respiratory failure due to bullet injury and the allegation levelled against the appellant is of serious in nature, hence, I am not inclined to grant anticipatory bail to the appellant.

8. Prayer for anticipatory bail of the appellant is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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