

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3283 of 2024

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

RAHUL KUMAR @ RIKESH KUMAR SON OF VIPIN SINGH @ VIPIN KUMAR @ BIPIN KUMAR VILLAGE- VIDHIPUR, PS- SALIMPUR, DIST- PATNA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. BACHCHI DEVI WIFE OF LATE ROHAN RAVIDAS VILLAGE-VIDHIPUR, PS- SALIMPUR, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ram Jiban Pd Singh, Adv.
For the Informant	:	Mr. Praween Kumar Jaipuriar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 12-09-2024 Heard learned counsel for the appellant and learned counsel for the informant 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 23.04.2024 and modification order dated 12.06.2024 passed by the learned Exclusive Special Judge SC/ST (POA) Act, Patna in Serial Case No. 317 of 2023, Spl. Case No. 392 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, 302, 201 read with section 34 of the Indian Penal Code and section 3(1)(r)(s) / 3(2)



(va) of the SC/ST (POA) Act.

3. As per the prosecution case, It is alleged that the informant's grandson along with one Ganesh Kumar went to take bath in the Ganga River and she made suspicion that the appellant and the co-accused persons kidnapped her grandson with intent to kill and Pawan Kumar escaped.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to land dispute. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section of the SC/ST Act. There is nothing except suspicion. It is further alleged that the said occurrence took place at 7:30 AM on 23.08.2023 and the postmortem of deceased commenced on 24.03.2023 at 8:00 PM in which no ante-mortem injury was found on the body of the deceased. The dead body was decomposed and rigor mortis was absent which indicates that the death of the deceased has taken place much before the alleged time of occurrence. The appellant has three criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 16.02.2024.

5. Learned counsel for the informant as well as learned



Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant. It is further stated that the eyewitness Pawan Kumar made specific allegation against the petitioner and the co-accused persons. It is further stated that the accused persons were pressurizing the deceased to withdraw the case bearing Salimpur P.S. Case No. 166 of 2023 dated 25.07.2023 which was filed by the deceased against the co-accused persons and as the deceased did not compromise, he was brutally assaulted and thrown in the river.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 23.04.2024 and modification order dated 12.06.2024 passed by the learned Exclusive Special Judge SC/ST (PoA) Act, Patna in Serial Case No. 317 of 2023, Spl. Case No. 392 of 2023 arising out of Salimpur P.S. Case No. 187 of 2023 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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