

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.380 of 2025

Arising Out of PS. Case No.-56 Year-2021 Thana- UDAKISHUNGANJ District- Madhepura

Ramesh Goswami, aged about 30 years, Gender-Male, S/o Late Baijnath Goswami, R/o Village-Pipra Karati Ward No.1, PS- Uda-Kishunganj, District-Madhepura

... .. Appellant

Versus

1. The State of Bihar
2. Bindu Devi, aged about 44 years, Gender-Female, W/o Late Ram Bahadur Paswan, R/o vill - Pipra Karauti, Ward No. 3, P.S. - Uda Kishunganj, Distt.- Madhepura, at present residing at vill - Haraili, Ward No. 3, in the rented house of Umesh Sah, S/o Raghu Sah, P.S. - Uda Kishunganj, Distt.- Madhepura

... .. Respondents

Appearance :

For the Appellant	:	Mr. Shailendra Kumar Singh, Advocate, Kumari Rashmi, Advocate and Pravin Kumar, Advocate
For the Respondent No.2:	:	Dr. Sanjay Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-07-2025 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 and 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail vide order dated 26.11.2024, passed by the learned A.D.J.-Ist-cum-Special Judge, Madhepura, in B.P. No. 2319 of 2024, in connection with SC/ST Case No. 13 of 2021, arising out of Uda-Kishunganj P.S. Case



No. 56 of 2021, dated 16.02.2021 registered for the offences punishable under Sections 302, 120B read with Section 34 of the I.P.C., Section 27 of the Arms Act and Sections 3(iv) of the SC/ST Act, whereby the learned court below has been pleased to reject the prayer for bail of the appellant.

3. As per the prosecution case, the appellant is alleged to have fired on the husband of the informant, due to which, he died.

4. Earlier the prayer for bail of the appellant was rejected by the Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 62 of 2023 vide order dated 25.01.2024 with a direction to the learned court below to conclude the trial expeditiously, annexed as Annexure-P/1 to the present appeal of the appellant.

5. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. It is further submitted that there is no independent eye witness to the alleged offence. There is contradiction between the fardbeyan and the statement of the witnesses recorded under Section 161 of the Cr.P.C. during the course of investigation. It is further submitted that there is ten (10) charge sheet witnesses in this case including the informant



but up-till now not a single witness has been examined and the Investigating Officer of this case has submitted charge sheet against the appellant. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant. The appellant has eight (08) criminal antecedents and in all cases, he is on bail as stated at para 3 of the present memo of appeal. The appellant is in custody since 25.07.2022.

6. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail of the appellant. Learned A.P.P. for the State has submitted that out of ten (10) charge sheeted witnesses, three prosecution witnesses, have already been examined. Learned counsel for the respondent no. 2 has further submitted that there is specific allegation against the appellant that he fired on the husband of the informant, as a result of which, he died. It is further submitted that from perusal of the postmortem report, it appears that the doctor has opined the cause of death due to gun shot bullet injury, whole Brain parorehyma cacorased and Haemorrhage and shock.

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



learned counsel for the respondent no. 2, this Court is not inclined to set aside the order dated 26.11.2024, passed by the learned A.D.J.-Ist-cum-Special Judge, Madhepura, passed in B.P. No. 2319 of 2024, in connection with SC/ST Case No. 13 of 2021, arising out of Uda-Kishunganj P.S. Case No. 56 of 2021 and the prayer for bail of the appellant is rejected.

8. Accordingly, the present criminal appeal stands again rejected.

9. The learned court below is directed to expedite the trial of the appellant and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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