

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.493 of 2025

Arising Out of PS. Case No.-10 Year-2024 Thana- BHAGWANGANJ District- Patna

Sudarshan Yadav @ Sudarshan Kumar S/O Balchand Yadav Resident of
Village- Rajachak, P.S.- Bhagwanganj, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Baby Devi W/O Late Raju Dom Resident of Village- Rajachak, P.S.-
Bhagwanganj, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Informant/s	:	Mr. Ram Sevak Prasad, Adv.

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

ORAL ORDER

3 05-03-2025 Heard learned counsel for the appellant, learned
counsel for the informant 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 against the rejection of prayer of bail of
the appellant vide order dated 09.01.2025 in Spl. Case. No.
117/2024 passed by the learned Exclusive Special Court (SC
& ST Act), Patna arising out of Bhagwanganj P.S. Case No.
10 of 2024 dated 20.01.2024 registered for the alleged
offences punishable under Section 302 read with Section 34
of the Indian Penal Code and Section 3(2)(v) of the Scheduled



Castes and Scheduled Tribes Act.

3. As per the prosecution case, on 20.01.2024, the informant's son along with his friends stole paddy crops and was selling to the shop of one Manoj Kumar. All the three children were caught at the shop by the appellant who took them to his grand-mother and made complaint regarding the theft of paddy crops and after 15-20 minutes later, the appellant again came to the house of Pawan Kumar and caught him and told let's go to his grand-mother. Thereafter, the villager namely Savita Devi went to the field to cut grass and saw that a boy was hanging with a rope on the neem tree then she raised alarm. Thereafter, the informant and her family members rushed towards the place of occurrence and identified the deceased as her son who was hanged with a rope on the neem tree. The informant apprehends that the appellant and his son, Vicky Kumar killed her son and thereafter hanged the dead body of the deceased on the neem tree.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence,



no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 23.01.2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that the specific allegation against the appellant is of committing murder of the informant's son and thereafter hang the dead body of the deceased on the neem tree. As per the case diary, in para 9 written statement of the informant and para 10, 11, 12, 13 and 14 the statement recorded of witnesses have supported the prosecution case. The inquest report shows that mark of rope was found on the neck of the deceased. As per the post-mortem report, the cause of death is due to asphyxia resulting from ligature compression of the neck however the viscera was sent for chemical and medical analysis. The bail petition of the petitioner was earlier rejected by this Court vide order dated 19.09.2024 passed in Cr. Misc. No. 2905 of 2024.

6. Considering the aforesaid facts and circumstances



of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 09.01.2025 passed by the learned Exclusive Special Court (SC & ST Act), Patna arising out of Bhagwanganj P.S. Case No. 10 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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