

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.643 of 2025

Arising Out of PS. Case No.-80 Year-2024 Thana- BEUR District- Patna

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Aakash Kumar @ Aakash Anand @ Akash S/o Anil kumar R/o Mahavir Colony, Road No. 14, P.S.- Beur, Distt.- Patna, Bihar

... .. Appellant/s

Versus

- 1. The State of Bihar Bihar
- 2. Shailendra Kumar S/o Late Bhanu Ram R/o vill- Stalin Nagar, P.O. and P.S.- Digha, Distt.- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr.Mazharul Hassan, Adv.
For the Respondent/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr. Kumar Mritunjay, Adv. Ms. Pinki Kumari, Adv. Ms. Shilpi Kumari, Adv.
For the State		Mr.Binay Krishna, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-04-2025 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 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 for bail of the appellant vide order dated 18.01.2025, 12.02.2025 in Special Case No. 107/2024, Serial No. 43/2024 arising out of Beur P.S. Case No. 80 of 2024 passed by the learned Exclusive Special Judge (SC/ST Act), Patna in connection with Beur P.S. Case No. 80 of 2024 dated 12.02.2024 registered for the offence/s



punishable u/s 302 of the Indian Penal Code and Section 3(2) (V) of the SC/ST (POA) Act.

3. As per prosecution case, the informant's sister had been living in live-in-relationship with the appellant for five years and on the instigation of the appellant, she had been living separately at Taj Pratap Nagar for two years. On 11.02.2024, the appellant came to the house of the informant and told that Dipshikha (informant's sister) committed suicide due to settlement of his marriage elsewhere.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. Learned counsel has further submitted the deceased committed suicide by hanging herself. It is further submitted that when the appellant came to know about the said incident, he called the ambulance and took her to hospital. Learned counsel has further submitted that there is no allegation of casteist remark against the appellant hence, no case is made out under section SC/ST Act. The informant is not an eyewitness to the alleged occurrence. The appellant is the supervisor of contractor Satya Kumar and he was getting work of repair of the said building on that day. The appellant has no concern with the alleged offence. The appellant has no criminal antecedent as



stated at para 3 of the bail petition. The appellant is in custody since 12.02.2024.

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 prayer for bail application of the appellant was earlier rejected by this court vide order dated 20.06.2024 passed in Cr. Appeal (SJ) No. 1348 of 2024.

6. 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 appellant, the impugned order dated 18.01.2025, 12.02.2025 in Special Case No. 107/2024, Serial No. 43/2024 arising out of Beur P.S. Case No. 80 of 2024 passed by the learned Exclusive Special Judge (SC/ST Act), Patna in connection with Beur P.S. Case No. 80 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Patna in connection with Special Case No. 107/2024, Serial No. 43/2024 arising out of Beur P.S. Case No.



80 of 2024 with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

(Chandra Prakash Singh, J)

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