

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.659 of 2025

Arising Out of PS. Case No.-145 Year-2024 Thana- KALYANPUR District- Samastipur

Md. Chand S/o- Md. Islam Resident of village- Rambhardanpur Ratwara PS-
Kalyanpur District-Samstipur

... .. Appellant

Versus

- 1. The State of Bihar
- 2. Dilip Paswan S/o- Late Mishri Paswan Village- Rambhadrapur Ps-
Kalyanpur Dist- Samastipur

... .. Respondents

Appearance :

For the Appellant	:	Mrs. Namrita Mishra, Sr. Adv Mrs. Archana Jha, Adv Mrs. Anamika Kumari, Adv
For the Respondent	:	Mrs. Usha Kumari 1, Sp.P.P
For the Resp No. 2	:	Mr. Bijay Bhusan Prasad Mr. Ashok Kumar

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

ORAL ORDER

4 26-06-2025 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 14A(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 20.12.2024 passed by the learned
Special Judge SC/ST (POA) Act, Samastipur arising out of
Kalyanpur P.S. Case No. 145/2024 dated 17.06.2024 registered
for the alleged offences punishable under Sections 341, 323, 307



and 302 of the Indian Penal Code and Sections 3(1)(r)(s)/ 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, the appellant is alleged to have assaulted the informant's son on his head with bamboo due to which his son became unconscious and fell down. When Deepak Paswan went to rescue, the appellant also assaulted him on his head causing severe injury and blood started oozing out, thereafter, the injured were taken to hospital and in the way the informant's son died.

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 informant is not the eyewitness to the alleged occurrence and only on suspicion, the name of the appellant has been dragged in this case. The appellant has no criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 17.06.2024.

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 by submitting that there is direct allegation against the appellant of assaulting the informant's son on his head due to that he died. As per the postmortem report, the informant's son died due to haemorrhage and shock due to brain injury impact of hard and and blunt substance.

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 20.12.2024 passed by the learned Special Judge SC/ST (POA) Act, Samastipur arising out of Kalyanpur P.S. Case No. 145/2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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