

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.667 of 2025

Arising Out of PS. Case No.-333 Year-2024 Thana- SIDHWALIYA District- Gopalganj

Mithun Mahato @ Mithun Kumar @ Mithu Son of Rambelas Mahto Village
-Amarapura PS- Mahmmadpur Dist -Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Nitu Devi Daughter of Late Awdhesh Ram village- Balbangra, Ps- Darauda,
Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Prasad
For the Respondent/s	:	Mr.Usha Kumari 1
For the Informant	:	Mr. Muneshwar Prasad

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

ORAL ORDER

- 3 24-04-2025 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 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 15.01.2025 passed by the learned Additional Sessions Judge XI-cum Exclusive Special Judge SC/ST, Gopalganj in connection with Sindhwaliya P.S. Case No. 333/2024 dated 24.11.2024 registered for the alleged offences punishable under Sections 103 of the B.N.S. and Sections 3(1)(r), 3(1)(w), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.



3. As per the prosecution case, the appellant is alleged to have molested the female members of the informant's family. On protest, the appellant threatened them and started abusing them by calling caste name. After some time, when the informant's husband was lying on the *machan*, the appellant assaulted him on the head with brick due to which he succumbed to the injuries.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. Learned counsel has submitted that the date of occurrence is 22.11.2024 and the post-mortem of the deceased was conducted on 23.11.2024 whereas the F.I.R. was lodged on 24.11.2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 23.12.2024.

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 the specific allegation of assault is against the petitioner. As per



para. 71 of the case diary, the cause of death is due to head injury caused by hard and blunt substance. The informant in her re-statement in para. 3 and witnesses in para. 4, 8 and 11 of the case diary have supported the occurrence. Moreover, as per para. 65 of the case diary, the appellant in his confessional statement admitted his guilt.

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 15.01.2025 passed by the learned Additional Sessions Judge XI-cum Exclusive Special Judge SC/ST, Gopalganj in connection with Sindhwaliya P.S. Case No. 333/2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned court below is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

