

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.865 of 2025**

Arising Out of PS. Case No.-558 Year-2024 Thana- BELAGANJ District- Gaya

Anuj Kumar @ Tiranga S/o- Manjit Yadav @ Tana Yadav @ Mandip Yadav
Village- Kazipur Hemant Bigha, P.S.- Belaganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Das, Village- Kharagpur, PO- Girdhari Bigha, PS- Belaganj Dist.-
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Durgesh Nandan, Advocate
For the Respondent/s	:	Mr. Ramchandra Singh, APP

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

ORAL ORDER

3 01-05-2025 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, (hereinafter in short referred to as the SC/ST Act)
against the refusal of prayer of bail vide order dated 24.01.2025
passed by the learned Exclusive Court of Special Judge, SC/ST
(PoA) Act, Gaya in connection with Belaganj P.S. Case No. 558
of 2024 dated 26.09.2024 registered for the offence/s punishable
u/ss 103(1), 238, of the B.N.S. and Section 3(2)(v) (a) of the
SC/ST (PoA) Act.

3. As per the prosecution case, on 25.09.2024, when



the informant and his family members were sleeping in the night, and when he woke up in the midnight, his daughter Prabha was not at the house. Thereafter, he got information that a dead body of a girl is lying in a well near Babri Aahar. The informant reached there and identified the dead body as his daughter Prabha. He further alleged that the appellant has committed wrong before killing her as she used to talk with the appellant on mobile phone.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to dirty village politics. It is further submitted that no particular caste name has been called by the appellant hence, no offence under the provision of SC/ST Act is made out against him. The informant is not an eye witness to the alleged occurrence. The *post-mortem* report of the deceased is not corroborated with the prosecution story which is as follows:

Froth were coming from the nose and the mouth of the body, large electrical burn size- 20"x1/2"x1/2" deep. Muscle deep was present from right angle of Mandibula below right neck crossed to anterior part of neck gone to left anterior chest wall near to left axilla. Left inner/medical side of left arm anterior to left elbow to up to some external of left anterior forearm where skindeep."

This shows that the victim had been killed by



electrocution. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 27.09.2024.

5. 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.

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 24.01.2025 passed by the learned Exclusive Court of the Special Judge, SC/ST (PoA) Act, Gaya in connection with Belaganj P.S. Case No. 558 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 Court of learned Exclusive Court of the Special Judge, SC/ST (PoA) Act, Gaya in connection with Belaganj P.S. Case No. 558 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 bail bond of the appellant is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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