

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1307 of 2024

Arising Out of PS. Case No.-503 Year-2023 Thana- BYPASS District- Patna

Manish Kumar Son Of Shambhu Chandrabanshi Resident Of Mohalla - Bahri
Begampur, Sidhe Bazar, P.S. - Bypass, District - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For The Appellant/S	:	Mr.Binoy Kumar
For The Respondent/S	:	Mr.Sadanand Paswan
For The Informant	:	Mr. Arvind Kumar
		Mr. Nishant Kumar Sinha
		Mr. Samir Kumar
		Mr.Abhimanyu Deo
		Mr. Saurav Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 01-05-2025 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 11.01.2024 passed by the learned Exclusive Special Judge SC/ST, Patna in Special Case No. 09/2024 arising out of Bypass P.S. Case No. 503/2023 dated 12.11.2023 registered for the alleged offences punishable under Sections 302 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 11-11-2023, when



the informant's father was returning from work, in the way, the appellant started abusing the informant's father, on objection, the appellant with an intention to kill, assaulted him with iron rod on his head and the informant's father became unconscious. Thereafter, the informant received information about the incident and took deceased to NMCH, Patna where he was referred to P.M.C.H. Patna where on 12-11-2023 he died during treatment.

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. Learned counsel has submitted that there is no enmity of the appellant with the deceased. There is no eye witness of the alleged occurrence. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 25.11.2023.

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 appellant. As per the



post-mortem report, the cause of death is due to craniocerebral damage which is caused by blunt force impact.

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 11.01.2024 passed by the learned Exclusive Special Judge SC/ST, Patna in Special Case No. 09/2024 arising out of Bypass P.S. Case No. 503/2023 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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